

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 6, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, McRoy, Seng, Joan Ross, Deputy City Clerk; Absent: Johnson.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

COOK Having been appointed to read the mins. of the City Council proceedings of Oct. 30, 2000, reported having done so, found same correct. Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy. Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

GOVERNMENT MAN OF THE YEAR AWARD

Mayor Don Wesely came forward to present the Government Man of the Year Award to Bob Siemsen, Building & Safety Dept. Bob is a Chief Plumbing Inspector for the Building & Safety Dept. He has served as Chairman of the Research & Development Committee for the International Assoc. of Plumbing & Mechanical Officials for the past 3 yrs. This 10 member National Committee reviews all new plumbing products & materials introduced into the builders market. If the product meets the Committee's inspection & testing requirements as listed in the Uniform Plumbing Code & the Uniform Mechanic Code & is considered acceptable in all new construction throughout the country. Bob's service on this Committee has placed him in a resource position for communities throughout the United States & has provided Lincoln with cutting edge information about technology & innovations being introduced on the market. For Bob's contributions to the International Assoc. of Plumbing & Mechanical Officials Committee & the Lincoln Building Committee, he was recently awarded the Government Man of the Year Award & I want to congratulate Bob on this great achievement & on behalf of the City of Lincoln we want to present this to you.

Bob Siemsen, Building & Safety: Just briefly, the only thing I'd like to say is I really support or appreciate the support of the Mayor & also my boss, Mike Merwick for the Dept. of Building & Safety. Without their support this wouldn't be possible. Thank you very much.

PUBLIC HEARING

CHANGE OF ZONE 3286 - APP. OF ELLIOTT & LYNNE RUSTAD FOR A CHANGE FROM R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT N. 27TH ST. & FOLKWAYS BLVD. - Gary Bredehoft, Olsson Assocs., 1111 Lincoln Mall: I'm here today on behalf of Elliott & Lynne Rustad for a change of zone from R-3 to B-2 in the area just north of Folkways & east of N. 27th St. As you know, that area up there already is...this lot is all that's left. It's surrounded by B-2 now & is the last remaining portion of that area. So, with that, I would answer any questions you have.

This matter was taken under advisement.

VACATING W. N ST. FROM THE WEST LINE OF S. CODDINGTON TO A POINT APPROX. 300' WEST THEREOF. - Dennis Bade, 2121 W. "O" St.: On the sheet that I just give you, you can see at the property here that this is the plans for the new car lot, Kwik Shop in the empty area. We own this property right here. This property here which N St. comes against, runs dead at the end of our 300' property....

Jerry Shoecraft, Council Chair: This is a request to place on Pending by Staff or the applicant?

Deputy Clerk: By staff.

Mr. Shoecraft: By Staff?

Deputy Clerk: Yes, by Planning Staff.

Mr. Shoecraft: And the applicant is aware of that?

Deputy Clerk: I'm not sure. Were you aware that the Planning Staff was asking for this item to be placed on Pending?

Mr. Bade: No, we were not.

Deputy Clerk: I was told both Items 3 & 4.

Mr. Shoecraft: Could staff come up & talk about this one, please?
Rich Houck, Planning Dept.: Generally, this condition was placed or

requested because there was a misunderstanding about how this vacation should be processed. This should've been a plat, subdivision of the property required prior to being forwarded to the City Council & the wording in the Staff report was a bit confusing relative to that. If we did not have a plat of the area, we would create several lots, at least 10, that would not have tree frontage. We're creating a lot further west that would have limited access to it. That is a fairly large lot. And I believe there is a person here to speak on that also.

Mr. Shoecraft: So, you're recommending to place this on Pending until when?

Mr. Houck: Until a plat has been prepared & processed through the City, at least in process.

Mr. Shoecraft: Would you then visit with the applicant?

Mr. Houck: Yes, I will.

Mr. Shoecraft: To work this out.

Mr. Bade: Council, we also brought some pictures. Can we show you? Of other access to the property in question on the west side?

Mr. Shoecraft: Put them on the overhead.

Lee Anderson, 2121 W. "O" St.: This is the State access off of "O" St. The State owns this road. Right now it's just ended 'cause the State hasn't carried it through. That the property in question is the property back here, showing that there is still access in (inaudible) St. which we're trying to vacate that ends. If you look, ends right at the end. Or here at this tree line. That's "N" St. going through, it ends at that tree line. There's a 20' to 25' gulley in there at this time. This is also...

Jon Camp, Council Member: Excuse me, could you point out on your drawing where that gulley is please? Just so I can get my bearings.

Mr. Anderson: It's right at the end of "N" St., sir.

Mr. Bade: Where "N" St. drops off right here, it stops right there at the tree line & there's a deep gully & then it goes into the west property which is in question.

Mr. Anderson: Here, again, is a picture of the access which the State has & has already provided a right-of-way for that property. Just to give you an idea of where it is, this is the hotel that sits in front of it out on W. "O". This is the property on that road that goes in front is the one that curves up & around. You can kind of see the end of the hotel & then it just ends right now. But that is the access that he will have at all times 'cause the state owns that road or that property.

Mr. Bade: The sign on the motel you can see sits back so far off of W. "O" purposely because the State owns that access area.

Mr. Shoecraft: I would recommend you visit with Staff over to the side there. You're still recommending this be placed on pending, obviously? You want to visit with the applicant a little bit more on the reasons why. Thank you.

Joe Quattrochi, 2101 Green Acre Blvd.: I am here representing the Quattrochi Estate which we own the land that is west of the end of W. "N" St. There's approx. 9 acres there that is all commercially zoned which lost its access directly off of "O" St. when they built the by-pass. The access that the State has left up front is not suitable for 9 acres of industrial or commercially zoned property. There's no way that trucks can...that many vehicles can use that entrance. It's imperative we need the "N" St. access. You know we...the Planning Commission denied this vacancy & we'd appreciate a vote that way from you folks.

Deputy Clerk: Okay, we have a motion & a second to place this on Pending.

Mr. Shoecraft: Hold up, Joan.

Deputy Clerk: Okay.

Mr. Shoecraft: You can rebuttal.

Mr. Anderson: I also wanted to show that "M" St. is also still open which is currently just sitting there vacant & they have a gate across it. This is "M" St. going back of the same property. So, we're not taking away his only access from the State & as he's talking about the trucks, this would work also. Down there the railroad tracks & the railroad sits down behind there. They run trucks in & out on this big road all the time.

Mr. Shoecraft: Council's not going to necessarily deny the vacation. What we're saying is that this needs to be placed on Pending. I don't know how long or if we need to keep this on Pending till something gets worked out with the Planning Staff & then we will reconsider that at another time.

Mr. Houck: Subdivision of property takes anywhere between 6 to 10 weeks assuming they get it started right away.

Mr. Fortenberry: Other than the technical issue of a plat not being

on file, you're in favor of this vacation?

Mr. Houck: We had no objection to this vacation so long as the plat was processed.

Mr. Fortenberry: And after consideration of the other issues before Planning Commission?

Mr. Houck: Correct. When we process a plat through in this area, we will take into account access to the property to the west.

Mr. Fortenberry: So, what was the issue at stake at Planning Commission? To reverse denial over your initial recommendation?

Mr. Houck: I think it was lack of any possibility or any presentation from the applicants plus objection of the abutting property owner to the west.

Mr. Fortenberry: Perhaps...

Mr. Bade: The reason the 18th we were not there, we received a letter that was recommended for approval so my wife & I really thought that everything was in order 'cause we're not use to doing things like this. So, we did not show for that meeting. It's very important to us that it is vacated.

Mr. Anderson: When we got a letter from Joan explaining the purchase price, we brought the check right down to her 'cause we are indeed very (inaudible) & want (inaudible).

Mr. Shoecraft: Well, I think it's just a technical issue that needs to be worked out & as soon as you can work that out, hopefully can be set on the fast track or it can beat that 6 week time frame. I don't see...I don't anticipate any problem from Staff recommendation.

Mr. Bade: Thank you, Council, very much.

Ray Hill, Planning Dept.: If the Council chooses to not approve the vacation, they could do that & then you do not have to do the plats. What we are recommending is if your tendency is to vacate the street then we need the final plat. But if the Council chooses not to vacate it well then there's...the plat would not be necessary.

Mr. Shoecraft: Right. That's why we're placing it on Pending then.

Mr. Bade: Wait to hear from you?

Mr. Shoecraft: You need to go through another process with the Planning Staff so visit with them & then...

Mr. Camp: Jerry, I had one question if I may of the applicant. What's your time table that you were planning to pursue?

Mr. Bade: Well, we actually have two of the buildings laying down in the bottom there already but they're just on hold until we get City permits & get approval on this.

Mr. Camp: I guess I'd work with staff then as expeditiously as you can to help assist in that regard. And then the other gentleman that appeared too, I think it would behoove you to have some discussions there just to make sure that there's no controversy in that regard or if there is that we're apprized of it fairly early so we don't inconvenience you.

Mr. Bade: Yeah. Thank you very much.

Mr. Shoecraft: Okay, Joan, there's a motion & a second to place this on Pending. Call for the vote.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

This matter was taken under advisement.

ORD. 17740 - CHANGE OF ZONE 3269 - APP. OF KREIN REAL ESTATE, INC. FOR A CHANGE FROM R-1 & R-2 RESIDENTIAL TO R-T RESIDENTIAL TRANSITION, & FROM R-1 RESIDENTIAL TO H-4 GENERAL COMMERCIAL, ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF S. 56TH ST. & WALTZ RD., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-271, 00R-272) (10/16/00 - RECONSIDERED, 6-0; ACTION DELAYED 2 WEEKS TO 10/30/00, 6-0) (10/23/00 - PUBLIC HEARING & ACTION 11/6/00);

RESOLUTION A-80486 - USE PERMIT 131 - APP. OF KREIN REAL ESTATE, INC. TO CONSTRUCT SEVEN 5,000 SQ. FT., ONE-STORY, OFFICE/MEDICAL BUILDINGS & ASSOCIATED PARKING, WITH REQUESTS TO REDUCE THE PRIVATE ROADWAY WIDTH OF WALTZ RD. & TO WAIVE SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-272, 00-173) (10/16/00 - RECONSIDERED, 6-0; ACTION DELAYED 2 WEEKS TO 10/30/00, 6-0) (10/23/00 - PUBLIC HEARING & ACTION 11/6/00);

RESOLUTION A-80487 - SPECIAL PERMIT 1855 - APP. OF KREIN REAL ESTATE, INC. TO DEVELOP 44,000 SQ. FT. OF RETAIL/COMMERCIAL FLOOR AREA, A REDUCTION OF THE FRONT YARD, A REDUCTION OF THE PRIVATE ROADWAY WIDTH OF WALTZ RD., & A WAIVER OF SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-271, 00-173) (10/16/00 - RECONSIDERED, 6-0; ACTION DELAYED 2 WEEKS TO 10/30/00, 6-0) (10/30/00 - PUBLIC HEARING & ACTION

CONT'D TO 11/6/00) - Mr. Shoecraft: Joan, do we want to take care of the Motion to Amend on #8?

Deputy Clerk: You want to do that, we sure can. Did someone wish to introduce that?

Mr. Shoecraft: Staff, could you just explain the Motion to Amend again just for the public & then we can...

Ray Hill, Planning Dept.: The motion to amend that you have been handed basically deletes from the ordinance the change of zone from R-1 & R-2 to R-T & refers those two sections back to the Planning Commission for further review & action.

Mr. Shoecraft: Okay, thank you. Does someone want to move that?

Ms. Seng: So moved.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

Mr. Hill: Item #9, which is the Use Permit that goes along with the R-T Dist., we would ask that you leave this on Pending. And the Special Permit 1855, which is the Special Permit for the Planned Service Commercial area of the H-4, we ask that you go ahead & act on that today.

Mark Hunzeker, 530 S. 13th St., Suite B, representing Krein Real Estate: Is there any questions you may have about the amendments that you've been asked to...

Mr. Camp: I have one. Mark, the question I have is in the original application there was some flood control work that was proposed by the applicant &, as I understand it now with the splitting up of this in possibly two-phase & all that, at this point, the Beal Slough work would not be done. Is that correct?

Mr. Hunzeker: Well, the Beal Slough work primarily had to do with a culvert that was being placed across Beal Slough & some channel work that went along with that. It's my understanding that will not be necessary if we do not develop the area south & west of Beal Slough. As of this moment, we don't know exactly what we may or may not be able to do south & west side of Beal Slough. We are going to try to do some things there but, as yet, we have not received the approval or blessing from the Planning Dept. as to what we'd like to there.

Mr. Camp: If you did do something...well, regardless of that I guess, with what we would be doing today on this amendment, does that have a detrimental effect or impact on possibility of financing those Beal Slough improvements?

Mr. Hunzeker: Well, if all that is done is what you're being asked to approve today, there won't be a need to do those.

Mr. Camp: I guess I'm saying if you do that second portion then that'd be put on Pending or at least deleted from this, if that came to pass, is there enough financial ability in there to, at that time, do the Beal Slough work?

Mr. Hunzeker: It's going to depend a lot on what the ultimate configuration & approval is for that side of the creek. We don't really know whether we'll be able to do anything there yet. Hopefully, be able to bring a site plan in for the Staff to review & determine whether or not they can recommend approval to you.

Foster Collins, 2100 Calvert St., representing the Blue Stem Group, Sierra Club: I'd like to say that we're very happy to see that Phases 2 & 3 are not being brought forward now because those were the portions of it that we had the most problem with. The west side of Beal Slough does contain the largest tree mass, has the most wildlife habitat & is the most park like portion of that & we really don't have a lot of problem with the development right along 56th St. The only thing I'd like to ask is that the plans, as they come forward, show that any stormwater runoff from the parking lot, from the development, be routed through some bio-engineered ponds or such to cut down on the water quality degradation of Beal Slough. I think that they have some shown. I've got just a brief glimpse of the revised plans that it was difficult to see whether they still showed the concrete plumes that did go directly onto Beal Slough on their old plans have gone away or not. We're glad to see that the bike path is still going to be there & think that that would be a real nice place to show a bike path through a park setting rather than just right through the middle of commercial development. Thank you.

Mr. Shoecraft: Thank you.

Ken Reitan, 2310 S. Canterbury Ln., representing the Audubon Society: I'd just like to echo what Foster Collins had to say. I do think that we should make more of an attempt to save some of the tree masses involved in areas 2 & 3 of this project. So, that's really the essence of my remarks. Any questions?

Mr. Shoecraft: Thank you for coming.

Mr. Reitan: Thank you.

Mr. Hunzeker: I want to reassure everyone that yes, in fact, all of the runoff from the parking lots has been shown coming through bio-engineered wetlands & I just want to remind you that although it is or may be described as a park-like setting, that area west of Beal Slough is not a park. It is privately owned property that is presumably subject to some right to develop it. Thank you.

Mr. Fortenberry: Ray, could you come forward, please? Now, what will be the process in the next few weeks by which you take another look at the west side of the property.

Mr. Hill: Okay. The way we have discussed it is that they would go ahead...well, we did have a meeting with the applicant. We discussed different alternatives & this is when we agreed to split the question & let the H-4 go ahead. That way it gives them additional time to reconsider the proposal on the west & south side of Beal Slough. It basically...we will be waiting for them to provide us with their latest plans for that area & then we'll go forward from there.

This matter was taken under advisement.

AMENDING THE "DESIGN STANDARDS FOR LAND SUBDIVISION REGULATIONS", THE "DESIGN STANDARDS FOR ZONING REGULATIONS", & THE "MISCELLANEOUS DESIGN STANDARDS" & TO COMBINE THE DESIGN STANDARDS INTO A SINGLE DOCUMENT ENTITLED "THE CITY OF LINCOLN DESIGN STANDARDS." (10/2/00 - PUBLIC HEARING & ACTION DELAYED TO 10/9/00) (MOTION TO AMEND) (10/9/00 - PLACED ON PENDING) (10/23/00 - PUBLIC HEARING & ACTION 11/6/00) - Roger Figard, Public Works: Just here to answer any questions you might have on those Motions to Amend. There is a memo from Rick Peo explaining a motion...Amendment 1.A. relating to the request for waiver. But, again, I'm here to answer any questions. I do believe we've gone back & addressed the issues that were raised by both Councilman Cook & Mark Hunzeker & Kent Seacrest. They were supplied with the same motions to amend. There was some question on the 45 days & I did verbally tell them that the intention of that was that these go into effect in 45 days after becoming signed, that anything that was "in process", they wouldn't have to back up so that would be things submitted after 45 days would need to comply. Did you desire me to go through those amendments? Is there a need to do that?

Mr. Fortenberry: Well, just a brief overview.

Mr. Figard: Very quickly, first of all, the recommendation in Amendment 1.A. simply is to keep the waiver procedure the way it is today but to have a written procedure that explains how that gets done. And that's what Planning Commission had recommended doing. So, the waivers will continue to come forward just as they do today but now there's a written policy. That means that deviations & design standards for subdivision regulations & zoning regulations have to go to Planning Commission then City Council. Any waiver in design standards for driveways would come simply to City Council. So, you're not giving up any waivering procedure at all. It's just now written down. We continue to ask & suggest sanitary sewer services be put back in with the "Y's" & construction out to the property line. We said that the standards shall be effective 45 days from & after their adoption. That's intended to be, I believe, interpreted that anything coming in or submitted for review & moving ahead after that 45 days then would be...would need to fit the new standards, not something that's already submitted & in the review process. There were two sections on street trees that had to deal with subdivisions that have been taken out of that section simply to not confuse people on street trees on arterial streets. The requirements still there for the developer to provide trees that could be planted along the arterial street. Motion to Amend #5 simply acknowledges that there now are 6 pressure districts within the City of Lincoln as it pertains to Lincoln Water System. Item #6 adds the northwest booster service area is included. And Motion to Amend #6 pertains to the landscaping in the center island or roundabouts where Councilman Cook had asked, we had an 8' space in that area & we had height requirements. We said there would only be grass. We have compromised & brought that down now simply to say, first of all, nothing exceeding a maximum mature height of 24" should be out in the roundabout & trees need to conform to the requirements & design standards for street trees. That simply means they need to be trimmed up to 6' in the air so you can see under them. We also then amended around the outside edge of the roundabout in the center we had asked for an 8' clear area with nothing but grass. We've amended that to 4' & we've said it doesn't have to be grass but we've asked for a maximum mature height of not to exceed 6". There isn't any absolute professional engineering design that dictates that. We think that gives us some room to start & we're always willing to review that as we get into design on roundabouts to see if that's the appropriate thing to do. So, I think, in a nutshell,

that's the motions that are before you.

Mr. Cook: Regarding Amendment #6 & Amendment #7, they both have language that has been added, landscape maintenance & replacement. And later on, landscaping plans show an approved program for maintenance & replacement of trees & plant material. I'm just curious as to exactly what that means. I guess "a program for replacement", is this basically a plan that says if material dies, this is the procedure we'll follow to replace it or exactly what does that new language mean?

Mr. Figard: Well, I apologize, I don't have Motion #7.

Lynn Johnson, Parks & Rec.: My understanding is that the intent of that is to require that essentially the landscape planting be maintained in conformance with that approved landscape plan. If plant material dies or if its damaged as a result of an accident or something, what the intent is that that plant material then would be replaced so that we don't end up with plantings that aren't adequately maintained over time.

Mr. Cook: It seemed like the word "maintenance" itself might cover that but just to be sure you're...

Mr. Johnson: And our typical standard is that there's a requirement that those plant materials be replaced under warranty for the first year & I think that was the intent was just to specify that the City will not take responsibility.

Mr. Cook: I still am uncomfortable with the 4'/6" business but with the understanding that we'll review that to see if that really makes sense at some future time here as we actually get into design of roundabouts. That's certainly better than the previous language. And regarding the agreement, just for clarification, I know you mentioned this to me earlier that this would not...this issue of the abutting property owners being required to maintain the roundabout applies in subdivisions but not necessarily along arterials. In that case, that may be a city responsibility if otherwise they maintain (inaudible).

Mr. Figard: That's true. That language is pursuant to within the subdivision & circles on those residential streets not a roundabout on an arterial. There was one other item of concern that had been raised & that was co-location of utilities in the easement. We had asked for 30' easement. Our department always has allowed co-locating within the design standards & safety between the 10 state standards of water & wastewater. The extra 5' or 15' total from the utility to the structure is simply the necessary need for bigger equipment to be able to get in there & safely maintain or do work without damaging the abutting property. We would continue to pledge to work with the developers to maintain & use as little space as possible or necessary & would continue to co-locate & work with them. That, to me, is more of a design issue. It's part of the review process of the plat & the plans.

Mr. Hunzeker: With respect to Amendment #3, relative to the 45 day implementation period. We appreciate Roger's clarification of what is meant by that amendment. But we think it might be a little clearer & better for you to actually say what is meant & that is by adding after the word effective, the words "for applications submitted more than" so that it would read "Design standards shall be effective for applications submitted more than 45 days from and after their adoption." So it's clear that the application of these standards will be for items which are submitted after the 45 day period which is what he indicated is the case anyway.

Mr. Cook: Okay. I would move that.

Mr. Camp: I'll second.

Mr. Shoecraft: Call for the vote on that, Joan. Dana, how do we do this?

Mr. Cook: I was moving his amendment to the motion. I was moving his amendment to the amendment.

Mr. Shoecraft: We first gotta move the original amendments.

Deputy Clerk: And then we'll come back.

Mr. Shoecraft: Let's do that first.

Deputy Clerk: Okay, then maybe we should see if anyone...

Mr. Shoecraft: One second, Joan.

Mr. Cook: Do you want to just grab the Amendment 3, make the changes on it & then we'll just pass it as modified.

Mr. Figard: He's got it written in there. I'll by that.

Mr. Shoecraft: Dana, do we amend 3.a. & then come back with the overall amendments? Or vice versa?

Dana Roper, City Attorney: Why don't you pass over this until we get the paperwork to you. Right now. We'll get you some paperwork so that we've got a good record.

Mr. Shoecraft: Okay. Thank you.

This matter was taken under advisement.

AMENDING THE 1994 LINCOLN-LANCASTER COUNTY COMP. PLAN TO ADOPT THE BOULEVARD CONCEPT FOR PUBLIC WAY CORRIDORS & TO INCORPORATE THE LINCOLN FRINGE AREA PRIMARY PUBLIC WAY CORRIDOR STUDY BY REFERENCE - Lynn Johnson, Parks & Rec. Dept.: What we'd like to do is give you just a brief overview of the study, the process, & then indicate where we're at to day & what the Planning Commission recommendation has been. As the Council knows, this has been an ongoing study over the past several months. During that time frame, we've conducted two public open houses & we've involved a number of the City committees. The Bicycle/Pedestrian Advisory Committee reviewed the proposal. The Urban Design Committee, the Community Forestry Advisory Board & the Parks & Rec. Advisory Committee. The Bicycle/Pedestrian Advisory Committee recommended adequate space be included in the corridor to provide for separation between the curb & any associated pedestrian facility whether it be a sidewalk or a trail. And the Community Forestry Advisory Board suggested that along arterial streets, right now, the street trees are planted on private property & the Community Forestry Advisory Board recommended that the street trees be moved back to their traditional position between the curb & the sidewalk & that we actually change from the guideline of planting ornamental trees along arterial streets to planting major shade trees along arterial streets. There've been 6 meetings with representatives of the homebuilders association & other representatives of the development committee with a variety of things that've come out of those. One of them was amending the area of application. I think as the Council remembers, originally the map identified essentially all of the mile line roads outside of the City of Lincoln, outside of the corporate limits of the City of Lincoln, & that map was amended to only include the area within the Urban Service Area limits & there was also revision made, included language which required that the requisite amendments to the zoning & subdivision code would be made prior to implementation of the concept. The original recommendation that came out of the study was for a 140' corridor. Now, the intent of that was not that the entire thing be right-of-way but that it be a corridor with a variety of facilities included within that & I can review that concept & then show you where the Planning Commission recommendation was after 5 meetings. The intent of the study was essentially to provide for two through lanes in each direction & at the major intersections or at the mile line intersections that in addition to the 4 through lanes, that there would be dual left-turn lanes & a right-turn pocket. And the total amount of area that that takes is just about 90'. Staff recommendation or the original recommendation had been that the 140' corridor extend all the way through. The Planning Commission recommendation is that mid-mile or the mid-mile intersections that the corridor would be 120' in width & that those mid-mile intersections would only allow for a single left-turn lane at those locations. The other modifications, the original proposal had identified a row of trees or landscape screening between the sidewalk & the fence line. The Planning Commission recommendation by going from 140' to 120' allows for some screening on the...between the sidewalk & the fence line but it most likely wouldn't be trees, most likely it would be shrubs, either evergreen or deciduous shrubs with perhaps some trees mixed in between. And part of that's just because of the narrow width that remains then between the sidewalk & the curb. One of the other major elements that came out of this was the suggestion of how the area be managed. And, as you can see in the image here, the suggestion was that the base standard would be for a low maintenance ground cover like buffalo grass that would only have to be moved perhaps one or two times per year. It'd be planted within the corridor, particular on the median, & that there would be some ornamental trees planted on the median as well. And then if there was a business group or homeowners association that was interested in seeing a higher level of landscaping than that then they would participate in actually the implementation & the maintenance of those areas. The other intent of the entire study was to make sure that there was adequate width for all of the things that happened underground as well. The utilities, stormwater, the public & private utilities within the corridor. And the...as I said, the original recommendation that came out of the study was for a 140' wide corridor. The Planning Commission has recommended a corridor that would be a 130' wide at intersections & that it would be narrowed down to 120' wide in the mid-sections of those miles. And, as a result of that, there's some modifications that need to be made to the original language & I'm going to let Nicole talk a little bit about that.

Nicole Fleck-Tooze, Planning Dept.: You do have a motion to amend the resolution before you & I'd just like to explain briefly the...I guess

it was about 3 items of substance in there. The first is reflecting what Lynn has just talked about which is that the Planning Commission recommended a 120' boulevard that would expand to 130' at mile-line intersections rather than the original 140' recommended by the study. That's one amendment. The second is that the study itself, because it had recommended 140', the amendment is to incorporate the study by reference as a guide but not as an approved component of the Comp. Plan because it's recommendation is 140'. And the third element is that the study recommended certain ordinance & design standard revisions. These were proposed with respect to the 140' corridor width. Since the Planning Commission recommended the 130'/120' corridor we'll need to evaluate, I guess, the 130/120 to identify where those changes are still appropriate & revisions would be anticipated be adopted prior to implementing the concept when the public way corridor is wider than the right-of-way that's already been approved for the Long Range Transportation Plan (LRTP). So, I guess that's one thing to clarify is that 120' was generally approved for these corridors through the LRTP where the public way corridor is wider, either 130' at intersections or where 120' is not identified in the LRTP. Then we would be making revisions to the ordinances prior to implementing the concept. There has been some discussion with some members of the development community since that Planning Commission took action. One of...we have a request to consider further narrowing that corridor between intersections to 116' & the concern there is that we do have 120' adopted by the LRTP that would further narrow that corridor & the recommendation of the study team is that that 120'...130' width that was recommended by Planning Commission be adopted. I'd like to answer any questions that you have.

Mr. Cook: Well, I hope we go ahead & vote today. And I guess I can ask the question now regarding an amendment. The recommendation is that we just go ahead with what the Planning Commission brought forward. I'm concerned about the bike trail situation. That this was discussed at Planning Commission, that we really would prefer not to see bike trails along arterial streets if at all possible. And I'm concerned that the 120' width does not provide for enough space if we ever are faced with a situation where we need to put a bike trail along an arterial. If you have a 28' wide boulevard which could be a design that's chosen & then you have two sets of two lanes at 26' each, you end up with 80' from curb to curb with 20' left on an outside, if you have a 10' bike trail, you may end up squeezing the green space between the road & the bike trail & we're back to the problem we have today which is not enough space between the bike trail & the road. I want to make sure we have maximum space between a bike trail & a road if we ever put any more bike trails along these arterials. So, I don't know if this would be an amendment that would be supported today but I would be interested in amending this width to say that 120'/130' is the width if no bike trail is in the City right-of-way. If the bike trails in an easement or if the bike trail goes through a development, fine. But if we are forced to put the bike trail along the roadway in our right-of-way then I think we need extra space & I think that's also an incentive then for developers to make sure they find alternative locations for bike trails & I know many developers want to find those alternative locations. We know people prefer them but there are some cases where that might not happen or where it might not be possible to put the bike trail in & I'd just like to see that added width.

I would make...I would be interested in making that motion that we have 140' at intersections, 130' through the corridor but only in those cases where we have a bike trail that must go within the City right-of-way.

Mr. Johnson: I think that's consistent with our current thinking is that the intent is through the Comprehensive Planning process to identify where our (inaudible) essentially go. In some rare instances, I think they're going to end up in right-of-ways & we should be able to identify those in advance & as we're working with the developers or working with a specific development, we should be able to identify that that's the location & then acquire the necessary right-of-way to accomplish that.

Mr. Cook: But you think it's appropriate to make an amendment to the public way corridor thing to make sure that that's clear & that, in fact, you have that ability when you go into those negotiations?

Mr. Johnson: I do, I do because I think they're much...that was the intent of the study was to make sure that that component could be included within this.

Mr. Cook: Okay, well, maybe that's an amendment that someone could make up or find where it fits in before we vote & if it passes, it passes, we'll see. If not, well, it still would be nice to have it for us to talk about.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing Southview Inc. & Ridge Development Co.: I've been one of the private sector parties that've had at least one meeting since the Planning Commission made their recommendation with the administration on various issues & we did reach some tentative understandings which are a little different than what was just expressed to you because I got a call the next day indicating that unless I got more support from the private sector that those understandings would not be the administrations point of view. The bottom line is that I was also suppose to write up a lot of these details. A couple things have happened that I think's pretty important to understand. At the Planning Commission, we were told that if a 140' corridor passed, that it would not be implemented until we brought forth all the ordinance & the design standards to implement very important details. Now since Planning Commission, we've been told just the opposite. That the administration would like to go forward & implement this without those important details. And let me just describe to you some substance of what those details are & then you can judge why we might want to know both from the public point of view as well as a private point of view what those detail conclusions could be. One of the issues is who is going to buy or acquire this right-of-way. The private sector last week suggested that the County should be doing it earlier. We should be doing it when it's agricultural farm value prices & we could get all the right-of-way the public truly needs at a very economical price versus waiting for the private sector to be paying at the \$30,000 an acre price & then trying to figure out how to get that land back over to the City. We could save, collectively, a lot of funds if we were to do it & go ahead & grade the network early. Another important detail to us is we can agree on what the corridor could be but we haven't figured out what the Supreme Court of Nebraska or the Supreme Court of the United States is going to be telling us. Some of this corridor will be donated. Other's, I'm afraid, under your Police powers, you can't ask for this much & so, as a result, you might be put in a position that you're going to be paying for this. And I think the Law Dept. should be helping you, advise you, clearly on this issue because it's going to be a series of funds that you're going to have to find if I am correct & the Supreme Court will not allow you to acquire this much through...under your Police power because you do not need this much right-of-way for purposes of your streets & your utility work. The extra right-of-ways come in on an aesthetic consideration which, again, is a legitimate purpose as long as government pays. And I think the question is if you're not paying, then there's going to be some problems along the line that we could work out in the detail sense of the word. Another issue is the buffalo grass. I want you to beware of that because I think you're going to get the calls in the future. This community is not use to buffalo grass. It's use to fescue & bluegrass look. And when the medians look a little dry & a little funny color, I think people are going to say it doesn't look right to us. And we need to decide that as a community. Are we willing to have that very natural look I would call buffalo grass. Most people would not tolerate it & I think you're going to find that public...it's being intended that that's what's going to go in the medians & do we really want that look along the way. I don't think staff's figured out what we're doing with the fences. I know we're proposing double rows of trees but what are we doing with the fences. That issue hasn't been resolved. Another was the indication at Planning Commission the reason we were going to not implement this right away, we wanted to understand that we were suppose to get some setback waivers that correspond if we give this extra right-of-way that we can get setback waivers.

Mr. Shoecraft: You have one minute.

Mr. Seacrest: Now, we're being told that we're implementing but we don't know what those setback waivers are. The bottom line to all this is that I originally thought I'd like to ask a week delay because I was suppose to go write this up, some of these details, & to work with the Homebuilders. One of my clients had a death in the family & so I'd like to ask for a two week delay because I need to talk to that client & I don't dare feel appropriate asking that client anything this next week. And so, I would ask you to put this on Pending so I can start implementing what I thought was an understanding I had with the administration in a meeting just last week. Any questions?

Mr. Shoecraft: (Inaudible) two weeks. Coleen.

Ms. Seng: Well, I think we heard from Public Works that they would prefer that we move forward but you're really asking us to hold for two weeks right?

Mr. Seacrest: Yeah. My set of clients, I want you to understand, have been willing to support the double row of trees. Okay. We were

willing to do this but we gotta be sure we balance it & not over extend this. So, we're not like some people think, anti-this program. We are supporting this program but we think it can be done more efficiently & get you what you need & not have you have excess costs along the way.

Mr. Fortenberry: Could I ask Lynn to come forward? There was discussion in the previous public hearing about some...it might've actually been in a pre-Council presentation, I can't recall, but (inaudible) that might help ease burdens of cost & allow the trade-offs to find their appropriate balance on both sides. And I'm hearing today they want that a little more clearly defined. Has that been done or do you...does there need to be more work done in that regard?

Nicole Fleck-Tooze, Planning Dept.: I could probably address that. The study recommendations, again, were based upon 140' of width & really at that scale needing to find a lot of different creative ways to implement that full width. And I think what we're saying today is not that we are not committed to looking at some other creative ways to make this happen but that we already have 120' of right-of-way approved with the LRTP & since the Planning Commission's recommendation is one & the same width as that 120' so because the recommended width of the public way corridor has decreased from 140' to 120' & because we have 120' of right-of-way designated through the LRTP, we expect to still be able today & go forward & implement the long-range transportation plan as its been approved. So, I think that the motion to amend is not to take away the commitment to look at some of those ordinance & design standard changes & those are certainly part of the recommendation but we don't want to prevent the ability to apply the LRTPs approved right-of-way width for those corridors. We would still need...be anything beyond what is shown in the LRTP which is that Figure 31. Anything for public way corridors which goes beyond the right-of-way width as shown for the LRTP, we would be making a commitment to make those ordinance & design standard revisions, for example, for the 130' at mile-line intersections in advance of applying the public way corridor concept. Did that answer your question?

Mr. Fortenberry: I don't know.

Ms. Fleck-Tooze: Okay.

Mr. Fortenberry: I don't know if it did. Help me.

Mr. Johnson: There are still some issues to be addressed. We don't have the specific details worked out where at the major intersections where we're requesting 130' or we're suggesting 130', there are still some setback issues & some screening issues that need to be addressed in those areas. We don't have the details of that language worked out yet at this point & we, you know, the intent would be to work with Kent & representatives of the development community to accomplish that. And until such time the intent also would be to not request 130' at those intersections.

Ms. Seng: Roger, I would really like to ask now because Alan Abbott asked us this morning & really encouraged us to go ahead & vote today. But there seems to be some other thoughts here. So, I mean I'm perfectly agreeable to give them another two weeks if that's what we need to be doing & I think that's what Lynn, at least, is saying, right?

Mr. Johnson: There's some details...whether the Council acts today or not, there's some details that have to be sorted through on this. There's some text amendments & some code revisions that still need to happen.

Ms. Seng: So, if we voted today, then so what?

Mr. Johnson: We would still work with the development community to accomplish I think much...(inaudible) been identified. The discussion that we had with Kent was to be at 116' & 130'. So, we'd be actually narrowing the corridor by an additional 2' through the center of the intersections & then some further discussion about how that right-of-way is acquired, how far out it is, how we use impact fees to do that, there's certainly a lot of details to be worked out on how this would be implemented yet.

Ms. Fleck-Tooze: I guess just as a point of clarification, the proposal before you is one where we would adopt the concept of public way corridors through a comprehensive plan amendment now & then later move forward with the revisions that reflect those recommendations through ordinance & design standards. So, certainly, the Council's discretion to change that but our anticipation was that within perhaps a 3 month period following adoption of the Comp. Plan amendment, we could work to bring forward the ordinance & design standard revisions.

Ms. Seng: So, you're saying that we could vote today?

Ms. Fleck-Tooze: Yes. But, again, as a point of clarification, I think what Kent Seacrest is referring to is a desire to see those changes

made in advance of adopting the concept & so it's sort of a philosophical question.

Ms. Seng: And that's what we get paid the big dollars for.

Ms. Fleck-Tooze: Exactly.

Mr. Cook: I hate to see us delay this any further. It sat on the Planning Commission agenda for months & months & months & months & there were discussions & discussions & discussions. We ended up with something that was not what was originally proposed. Of course, in the public way corridor study just 120' instead of 140'. If this were 140' issue, I would be more concerned because there I think we have to do...we have to be more concerned about the flexibility issue & the setbacks for the backyards & whether or not we will actually buy the right-of-way or whether or not we'll have easements. I think by scaling this back to 120', essentially we're talking about right-of-way needs & I think that even for four through lanes with a 28' median that 120' is really needed space for going to have 10' or 12' setback between the road & the sidewalk so we can plant some trees & have a little bit of room for their growth, put in the light poles & so on. I think that's an appropriate amount of space. If we ever hope to expand to 6 lanes along any corridor, I don't know if "hope to" is the right word but if we ever are faced with that situation, many, many years in the future, the 140' is really needed for that. And I don't know if 140' is necessary along every corridor. And if we were in that position, I would be more willing to entertain delay but I think that we've had so much discussion on this that a lot of the details that Mr. Seacrest talked about are things that can be worked out with additional discussion. If this is a Comp. Plan amendment, the 120' fits what's already there as far as right-of-way needs & I think those are real needs. And so I'd prefer to just vote today & move this along.

Mr. Seacrest: I didn't want to do this but I was...orally, we had an understanding last week with the administration at 116' & 130' where we were going to work it out & make it happen & I'm now being told that they're withdrawing that & I feel bad because we've...we would've just add allowed me & others to keep working, I felt we had a chance to get the Compromise worked out. And I just think that the administration apparently is changing their mind which disappoints me because I think they were comfortable last week, some of them that I talked to, that with 116' & 130' & we could then go forward & get this implemented. Because what's happening now that...what you got confused about a moment ago was you've got 120 in your plan which'll help you in the mid-section because that's more than 116' but you don't have 120...you know, the 120' is also applies to the corners today. And what I'm trying to do is get maybe up to the 130' to be workable at the corners & get it going right away but, in order to know to get it going right away, the waivers & a few details & they're important details, would be advantageous to have. Otherwise, what I just heard is that we're going to implement 120 across the board.

The policy will be 130 at the corner but we'll wait for the details.

And I'm just saying why can't we wait 2 weeks, work it out, so you can go implement your 130 or whatever that magic number is on the corners right away.

Mr. Shoecraft: We were told that Staff was...what has Staff's conclusion has been reached today is final. I mean that's where they're at. And, again, all we're doing is just implementing or adopting the concept, nothing more. Correct? I don't see what's going to happen in 2 weeks personally. I wouldn't mind a week's delay but not necessarily 2 week delay. This thing has been sitting around forever.

Mark Hunzeker, 530 S. 13th St., Suite B, representing Home Builders Assoc. of Lincoln & Lincoln Board of Realtors: We got an invitation to the meeting that Kent attended last week about 24 hrs. before a meeting that I was already scheduled to be in with the Planning Dept. & Public Works Dept. so we were not in that meeting. We don't know the substance other than what Kent has informed me but my understanding is there was at least some hope that we might reach some agreement on this but having not been given that opportunity, I guess we can have...we're going to have to stand here today to say to you that without some additional time, we will need to be in opposition to this program. We think that a couple of weeks time might have some possibility of reaching some of the agreements that Kent discussed but without that additional time, I don't see it happening. As Kent mentioned, this week will be nearly impossible to make that work. And so we need two weeks rather than what we could otherwise possibly do in a week because we simply aren't going to be able to get it done this week due to the very unfortunate & untimely death of Steve Schleich. So...but I guess if we must, we will stand here today & tell you we're opposed to the ordinance or the resolution as it's before you because it is an excessive amount of right-of-way for the needs that the City has for

moving traffic & people. The Public Works Director & the Planning Dept. both are on record in front of the Planning Commission as publicly testifying that this is not about right-of-way for moving people, it's about aesthetics. Now, you have some leeway in using your police power to get right-of-way for aesthetic purposes but I don't think that you have the right to require it's dedication of people developing land abutting those rights-of-way & I think there're several Nebraska cases as well as some United States Supreme Court cases that say that very clearly. No one has identified where the funds will come from to buy the additional right-of-way necessary to implement this plan. It has been suggested to us many times during the course of this discussion that there would be other alternatives that we could use easements, that we could waive setbacks, that we could have changes in ordinances & design standards which would enable the implementation of this plan without undue loss of usable land & without unnecessary expense. But we have not seen any of those proposed changes in design standards or waivers come forward. And I can tell you from personal experience, that from the minute this proposal became public, behind closed doors in discussions with Staff, the 140' right-of-way standard was being imposed, not negotiated, imposed on projects that are in the process right now. So, it's very difficult for us to give a lot of credibility to the assertion that this will only be implemented when & if those additional ordinances & design standards are proposed & acted upon when we know that those things are being required of us in projects that are in the pipeline today before even those proposals are even before you. So, compromise is something that we're not opposed to but we really kind of need to know what we're compromising on. We need to know what it is we're agreeing to before we can reach a compromise & having not been even at the most recent meetings, it's very difficult for us to say we can agree. We think there's a possibility of that but we need to have some of those details that Kent was referring to worked out. This is a program which we thought was being deferred along...I mean there's discussion now about the fact that 120' is the minimum that's already in the Comp. Plan for right-of-way. Our understanding was that the entire increase in rights-of-way was part of this public way corridor program which was going to come out of the LRTP instead of going forward with instead of the 120' going forward with the LRTP, we thought it was all on the table with this project or with this program. So, we're not feeling real comfortable with the way this has gone forward & we think that if you want to see any sort of compromise on this, we need some time to do it.

Mr. Shoecraft: Okay, you're five minutes are up. What does the Council want to do? Anyone want to make a motion?

Mr. Hunzeker: I think there may be some other people who have some comments.

Rick Krueger, President of Krueger Development, 2929 Pine Lake Rd.: I'm speaking on my own behalf today. I wanted to reiterate something that Mark had just mentioned. That is it was my understanding, my current understanding that the 120' that was in the LRTP that was coming forward was going to be revisited. We understood through our discussions at the LRT, there was a time sensitive nature to that so that needed to go forward. Right-of-way would continue discussions & then come forward, we'd talk about this 120, 130, 140 whatever it was at this time. I'm rising in opposition to this proposal. There's a number of reasons. I'll just speak to two of them. Number one, there's a curious lack of public support for this measure. During the hearings that the public...the public hearings at the Planning Commission one person stood up & said yeah, I think this is a good idea. Otherwise, I think this is wholly from the City department's. That's not necessarily bad, however, we are talking about something that is beyond traffic & beyond moving people through an area. I was part of the street planning advisory committee & back in May 20 of 1997 we had this various...this discussion specifically when we were talking about the what was called the southeast trends. Jonathan you might recall that, you were there, 70th, 84th, those areas & we were talking about whether it should be 120' through there. The overwhelming vote, the majority vote from the Committee was 120 at the intersections, 100' in the middle. And that...that's what was in our Comp. Plan up until the LRTP came through a few moments ago...or a few months ago. I think that's where we need to stay. The second item is I don't think this...since this does not address traffic issues, as Mark mentioned, the Public Works Director said, & I quote, "this right-of-way is not needed to transport people. We're talking about width needed for ...we are not talking about width needed for our own bills, it is an aesthetics & an amenity issue for which this additional right-of-way is being requested. The pavement width remains essentially the same in all

alternatives." So if this is strictly a beautification type of program, if we pass this, it will be an unfunded mandate unless you are going to vote some dollars to plant some trees or maintain the medians. Indeed, at the discussion back in May 20 of '97, our Parks Director was here...was at that meeting along with Steve Schwab & both of them testified that they indicated the fact that maintenance costs for landscaping is a major concern. For instance, currently, the City has 12 undeveloped parks for its maintenance funds are not available. That was in '97. Steve Schwab strongly emphasized the fact that a plan needs to be in place for long term maintenance of the landscaping along roadways. So, it's...while it's more ground out of production, which you might call, in fact, Public Works Directors did acknowledge that we would effectively be chasing out some housing units because if you theoretically take 20' around a section that's 9.6 acres, it's about 34 dwelling units. If, in fact, we are going to impose those kind of burdens, the maintenance factor becomes an issue with you. But I think if it's in the public interest to do this for a beautification project, I think what you've heard hear today is bunch of Jell-O & I would say that no, it is not in the public's interest since we are not doing this for traffic considerations. So, I would speak against it. And, also, Jonathan, to speak to your concern about the side...not the sidewalks [break in tape].

John Layman, Layman & Associates, 966 NBC Center, 1248 "O" St.: I'm an appraiser & a parking studies consultant in real estate & advise clients in the purchase of raw land. I've only had one meeting or attended one of the meetings where this 140' right-of-way was proposed. The difficulty I see from economics is that the...if you propose a right-of-way there should be two right-of-ways in terms of width. One for residential street that would only allow a convenience or neighborhood shopping center. The other at 2 mile interviews which would be the wider corridor & it would take into consideration the traffic issue by bringing people across neighborhoods into what I call community & regional shopping centers & also the standards for screening for the visibility of the shopping center should be addressed wherever you put it, in the middle of the block or at the intersections but I do believe that it's unnecessary to make every mile, whatever width corridor that you decide. In other words, if they're residential, you'll be better from economics generally if you're talking about a community or regional shopping center you go beyond. A neighborhood can support a mile. When you draw a mile radius, you're going 2 miles effectively. So, I think if you don't do that, you're going to end up with strip development when you make the corridors all...every arterial (inaudible) corridor that would allow increased traffic & (inaudible) strip development commercially. So, basically, I'm here for the idea that...& I'm not into design standards but the width should be two different sizes. One for residential & one for commercial corridors. This does get, when I talked to Planning, to some extent it gets in to the what comes first, the planning or the streets & I think we've learned over the history of the United States that transportation... development follows transportation corridors so you should address this. The other thing I think you should consider is that because we're on the grid system in the (inaudible) that you should consider some parkways going diagonally through the community that would go from north to south in an "X" formation. We have one of those, to some extent, Capitol Boulevard. I know in other states, between Connecticut & New York, they have the Merritt Parkway which serves the same thing & those kind of areas can be landscaped a lot more, your residential corridors than your commercial. That's all I have to say.

Mr. Shoecraft: Thank you.

Mr. Camp: Mr. Chair, I'd like to make a motion that we do put this on Pending for no more than 2 weeks. It just sounds like there's a number of concerned individuals here & that it just might be good to tuck all this into one package.

Mr. Shoecraft: Alan, what do you foresee happening in the next two weeks?

Alan Abbott, Public Works Director: What would be happening the next two weeks, depending upon the instructions of the Council, is potentially additional meetings with the developers, to development community, to determine the acceptability of the 130' right-of-way needed at intersections. The 120' versus the 116', I was watching on TV so I know that that discussion has come up, was discussed on the ability that possibly the qualms of the development community would be diminished somewhat if it was 116' between the intersections & 130' at it. And if everything went real smooth & there were no objections at all of the 130', how important was two feet more between the intersections. And Mr. Seacrest was correct in saying that we did not say no to that. We said

was there's gotta be something there that if we proceed with losing two feet more than we have now or four feet more than we have there in the intersections, we've gotta be sure that we don't end up with some other faction coming in & saying we want less at the intersection. So, in answer to your question, Mr. Chairman, that we would be I guess again meeting with them. My problem is I just believe that the philosophical difference here is what does the community want in the way of a corridor & what's the absolute minimum we can get away with. And I think that's the basic question before the Council & before the community as a whole. I have been quoted, misquoted, misunderstood, whatever with some of the quotes that's been made up here. I did, in fact, say we didn't need this much right-of-way to move traffic. I also said that it is recognized throughout the country that sidewalks & bike trails are being recognized more & more as moving traffic in arterial corridors as automobiles are. And if you want to have a corridor that is really a transportation corridor, you need the extra width. You don't need it for automobiles. I did say that. So, again, it's a long answer to your question but the question is will we resolve this issue to everybody's satisfaction in two weeks? No. Will we come up with something that's a bit more of a compromise between 130' & 120'? I don't know. This same group proposed 130' & 112' at the Planning Commission. That was rejected & 130' & 120' was set forward. Again, it's just a matter of really the community, & you're representing the community, deciding on what it wants between intersections. And you've all got the sketches that show what you don't get for each two or three or four feet that the right-of-way is narrower. And so, Mr. Chairman, I don't know exactly how to answer your question (inaudible) one more meeting.

Mr. Shoecraft: Well, I'm not going to go past 2 weeks. So, just so that they know that out there.

Mr. Fortenberry: Mister Abbott, this may never be the case but if there's an opportunity to look for partnership in this rather than victory, I think that's ideal. And I appreciate the direction you're heading in & I want to support that. There are some issues about trade-offs regarding easements, setbacks that had come up that looked like a way in which we could all balance the objectives of providing a better corridor for traffic movement as well as aesthetics for the community while not imposing excessive burdens on private landowners to do that. So, again, we were talking about that earlier with Parks & Planning. Some of that could be potentially implemented down the line as details & design standards & ordinances get worked out yet it seems like there's a hesitancy or a suspicion maybe that that won't happen on the other side. So, I...we're in a bit of an awkward position here. We...

Mr. Abbott: And I understand that. And I guess the Comprehensive Plan right now is 120'. Whether or not ordinances have to be revised at 120' for a setback distance, I frankly don't know right now. We knew at 140' if we didn't change something, there was a potential of losing a series of lots adjacent to it. Whether that happens at 120' or not, I'm not really sure. We can still use easements 'cause the thing says...I believe it says up to 120' &, naturally, that's the maximum everybody's talking about right now. But if it's possible to work with the developer, individual developer, & individual case for easements, nobody is insisting we get the 120' of right-of-way. Whether or not it's dedicated or paid for, that's going to be a discussion that comes into the infrastructure financing study that was also mentioned. Depending on what comes out of that, if there's actually impact fees or whatever, that will go away because there'll be so many dollars for impact fees for extension of arterials. So, there's a whole lot on everybody's plate right now & I fully recognize the development community's concern. The statement I, well, I was allegedly made the statement that this would cause "X" number of houses to be lost. What I said was what the development community is this & if you could refigure that 20' of right-of-way, that may happen but we could prevent that loss with changes in setback distances. So, again, there's due concern on both sides. But, again, this has not been a proposal of Public Works, Planning & Parks that went out to see how much right-of-way can we get from the developers. This was a response to complaints, concerns, from the community that we want our corridors to look well, we want the people using the sidewalks to be safe, & this is... the 120' is obviously a compromise from the 150' or 140' that we started with.

Ms. Seng: Well, I do think we need to put this on Pending. And I agree with Jerry, I don't want to hold up more than 2 weeks & I would like to give everybody another chance to work out something. I respect what the Staff have come up with & I would be ready to vote today but I think we've heard enough concern from the private side that we need to have an

additional two weeks so I'd like to move that. I think Jon was trying to move it a little bit ago. So, I will move.

Mr. Camp: Yeah (inaudible) second to it.

Mr. Cook: Well, I'll vote against putting this on Pending but I am ready to vote on this particular issue today. There are so many things that need to be discussed in this regard if we're going to put it on Pending I won't go into all those today but I think that we need to be looking at, you know, 50 to 100 yrs. ahead. You know we have street widenings that have taken place in neighborhoods that are now more than a hundred years old. They took place when those neighborhoods were maybe 70-80 yrs. old. The idea that we're going to look ahead 25 yrs. & say oh, well, we won't need say 6 lanes along the corridor in the future, I think, is myopic. We do, of course, have the controversy on E. "O" St. that we faced recently. I've been involved with so many projects in looking at the designs, on 70th St. & on 84th St., & on 14th St. where we've got the new high school going in & we've got a bike trail that's right up next to the road. I just don't want to see that happening again & I think 120' is important to make sure that doesn't. And, of course, yes, I know that some years back, the Street Planning Advisory Committee & other Committees we were trying to raise it from what we had in many cases which was 80' & there you end up with something like Old Cheney Rd., west of 27th, where it's concrete from edge to edge. There's a bike trail there supposedly. I don't know anybody who wants to use it as a bike trail. So, that is a miserable environment. Not a blade of grass anywhere to be seen & I know we don't want to do that kind of development again. And so, I think this is important for the long term growth of the City & that's what we need to look at. It's a growth issue too. Having the space available because you know what'll happen in the future, you know, 50 yrs. from now there'll be a private developer way further out in the County that'll now be part of the City saying hey, you gotta widen the roads that lead up to my development & we'll be saying oh, well, we didn't set aside enough space. So, these are just things to keep in mind as we have these discussions & I appreciate the work that Staff has done & their incredible patience on this.

Mr. Shoecraft: I think the Council is in agreement for the most part with Staff's recommendation. We felt that the decision by the Planning Commission is somewhat of a compromise. So, I'm not necessarily going to go away from 120 feet. In two weeks, if they can work out some other details, fine. But...

Mr. Abbott: And the world, obviously, will not end in two weeks. We have 120' of right-of-way within the Comp. Plan. I mean I do ask you to remember that & we will be continuing with that. What this will do is at the intersections, negotiations for intersections may or may not take longer if we need more than between 120' & 130' but, again, we will continue negotiating &, obviously, Council...

Mr. Shoecraft: Other things that may be worked out but I think this Council, for the most part, is in agreement with your recommendation. So, there's been a motion for a two week delay period, after that. And a second. Let's call for the vote please.

Motion carried by the following vote: AYES: Camp, Fortenberry, McRoy, Seng, Shoecraft; NAYS: Cook; ABSENT: Johnson.

This matter was taken under advisement.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL OPERATING & CAPITAL IMPROVEMENTS BUDGET FOR CALENDAR YEAR 2001 - Terry Bundy, Administrator & CEO of LES: The LES Budget request for 2001 is \$188,000,000.00. That is down 6.7% from last years budget request. And in addition, an item that's very important to you & the LES rate payers is that there is no rate increase planned in 2001. We have not had a rate change since 1994. We went over some of the budget materials with the Council earlier & so I don't plan to repeat any of that. I would like to provide just a little additional information on a question related to the agreement with Norris Public Power Dist. & that related to cost of some of the infrastructure improvements that we would need to make. In the past, we've been hearing about \$5,000,000 in our budget as the cost to acquire additional service area from Norris. As a result of this mediated agreement with Norris, our initial estimate is that the infrastructure improvements that LES would make would be something less than \$2,000,000. That would cover the infrastructure improvements & the cost to acquire the additional customers. At the same time, both utilities estimate that Norris would see about a \$4 to \$6 million savings in Capital Improvements that they would need to make to support electric service in this area. And so that's a significant part of our conclusion, that this is a win-win situation for both parties. With that, I have no further presentation unless there are additional

questions.

Mr. Cook: I'll just make a comment that thank you for the information at the Pre-Council this morning. I think LES is managed very well. I think we all benefit from that. I very much support the fiber optic network leasing that is under discussion. And I know how much your interested in making a more competitive telecommunications environment in Lincoln which will benefit the business environment here enormously. I think for those who maybe haven't been paying attention to what's going on in California, especially San Diego, & the incredibly high electric rates there & the rolling black outs & basically a break down of the environment. It was an attempt to provide some kind of competitive electric environment but, in fact, they screwed it up. And I hope that that helps us understand how lucky we are here to have a well managed public power system that provides us with such low rates. So, I thank you so much for the (inaudible).

Mr. Bundy: Thank you. I think it goes to the efforts of all the industry & also the State Legislature & their adoption of the condition certain approach. It's a thoughtful, logical approach that we think will help avoid the problems that have happened in California.

Mr. Fortenberry: Just want to reiterate what Councilman Cook has said & thank you for your hardwork & dedication to providing our community with a reasonable power sources. And, also, to...while you're at the podium here & have the public's attention, why don't you review the Wind Energy Program. I think that's such an innovative & creative way in which you're meeting a certain group of customers needs & I've been excited by its prospects & if you're interested, just give another little plug for it.

Mr. Bundy: Certainly. We, as you know, we have two wind machines north of town. They cost just a little less than \$1,000,000 a piece. And those have really been supported with a partnership between LES & the customers of LES because those machines exist there today because customers have been willing to make an extra contribution on their electric bill every month to support the difference between what a wind generating system costs & what a more traditional generating source costs. So, we're glad to do it because our customers have requested it. We are still something a little less than the number of customers that would fully support two wind machines so that's kind of the area we're holding in. So, at this time, we don't see...we're moving toward a third unit but, certainly, it's been our approach all along that we were willing to implement those renewable items that our customers were willing to fund. It continues to be our approach & people can still sign up for that program.

Mr. Fortenberry: Well, I hope I just helped you a little bit.
This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE DOWNTOWN LINCOLN ASSOC. PROGRAM OF WORK & BUDGET FOR THE PROVISION OF SERVICES UNDER THE MANAGEMENT & MAINTENANCE CONTRACT - Ron Cane, Urban Development: And this amendment that's before you today is just a matter of trying to reflect the budget that had been previously approved to reflect the actual front footage that is in this district. And I'm here to answer any questions you may have.
This matter was taken under advisement.

AMENDING TITLE 5 OF THE LMC BY ADDING A NEW CHAPTER 5.17 PERTAINING TO TELECOMMUNICATIONS PROVIDERS USING THE CITY'S RIGHTS-OF-WAY TO ESTABLISH DEFINITIONS, STANDARDS, & PERMIT FEES FOR THE USE OF RIGHTS-OF-WAY; TO PROVIDE FOR INSURANCE, BONDING, & CONSTRUCTION STANDARDS FOR TELECOMMUNICATIONS FACILITIES LOCATED IN RIGHTS-OF-WAY; TO ESTABLISH PROCEDURES FOR REVIEWS OF DECISIONS REGARDING TELECOMMUNICATIONS FACILITIES; & TO PROVIDE FOR ENFORCEMENT OF THIS ORDINANCE. (10/23/00- AMENDED) (10/30/00 - ACTION DELAYED 1 WEEK TO 11/6/00, 6-0) - (See motions to reopen Public Hearing, etc. under "**ORDINANCES - 3RD READING**".) Mr. Cook: Amendment #8, explain Amendment #8 again.

Steve Huggenberger, Law Dept.: There is a provision in the right-of-way ordinance which is Sec. 5.17.070 sub. "c", which requires that if the City or any of its divisions ever become a telecommunication provider, that they shall comply with all the provisions of the ordinance. Amendment #8 simply excuses those provisions related to bonding & insurance if LES or the City becomes a telecommunication provider.

Mr. Cook: You have a copy of Amendment #8?

Mr. Huggenberger: Yes, I do.

Mr. Cook: And I don't, okay. We don't have a copy. It hasn't reached me yet that is the problem.

Ms. Seng: No, we got it last week or something.

Mr. Huggenberger: Amendment #8 & #7 were passed out this morning or this afternoon before the meeting started.

Mr. Cook: I've got such a pile of amendments it's hard to keep track of them. So, you're saying, however, that you want to keep this open for another week or you're okay with the vote today? I'm sorry I...

Mr. Shoecraft: No, we're going to open up the public hearing today & then we're going to vote next week.

Mr. Huggenberger: And extend the public hearing to next week as well. I'm recommending that you have 2nd & 3rd Reading next week as well.

Mr. Shoecraft: Why don't we just have one more public hearing on commenting on Amendment #7 & 8 instead of having comments...public hearing today & public hearing next week too?

Mr. Huggenberger: I'm okay with that.

Mr. Shoecraft: What's the point then of having it today if we're going to have it next week?

Mr. Huggenberger: The only point is that Alltel has their people here today to make those comments today.

Mr. Shoecraft: Okay. Joan, call for anybody who wants to comment today.

Deputy Clerk: Yes, certainly. If you'd like to come up, now's the time.

Gary Reber, representing Alltel, 1440 "M" St.: Thank you for the opportunity to address the Council. I apologize. It would certainly be more efficient to address you in one public hearing next week. We were not notified of Amendment #8 until we'd already made plans to be here. And we appreciate your willingness to let us comment today. I know the Council members & City Staff have worked hard on this ordinance & it's our desire to help that hard work come to fruition. We appreciate Steve's hard work, especially in crafting language that addresses the City's concerns as well as our concerns. We would prefer the ordinance pass without changes, however, if it must be amended, the language before you today in Amendment #7 is much preferred over the original amendment. We still believe that making LES the trigger mechanism for other right-of-way occupants to bury their facilities eliminates our ability to make sound business decisions & puts that decision making process in the hands of LES which is not making business decisions in our interest. It's making its own business decisions for its own needs. While we currently work closely with LES & other right-of-way occupants to share trenches & coordinate construction activities, decisions are still made independently & we would like them to stay that way. We also still prefer that the City Council pass the ordinance as it was presented in June. We are simply saying that a policy that could require extensive relocation of facilities without any more reason than because LES is relocating its facilities is unfair & creates an excessive financial burden on the remaining right-of-way occupants. If, however, the ordinance must be amended, we believe the wording before you today represents a preferable version over the original amendment & that it provides some assurances to us that wholesale & undergrounding projects will not be required. We still have some legal concerns about the amendment which Paul Schudel will address in comments later. But we think the new amendment is an improvement over the original language. So, to reiterate, we would prefer the ordinance pass as presented in June unamended. If it must be amended, the language proposed in Amendment #7 is our preferred language. Again, I would like to thank Steve for working with us on this issue & to thank the City Council for including our input throughout this process.

Paul Schudel, 206 S. 13th St., Suite 1500, attorney for Alltel: I have a few comments for today & I'll key off of Mr. Reber's comments. The preferred approach to this ordinance & particularly Sec. 5.17.190 which is the undergrounding ordinance, as Steve referred to it, would be to retain the June format of that section. I'd like to point out four basis where I believe this...the Amendment #3, particularly, & secondarily, Amendment #7, while it does represent compromise discussions, are subject to legal flaws. First of all, that Amendment #7 & #3 as it exists violates Sec. 253 of the Telecommunications Act of 1996. That's the Federal Act. It also violates provisions of Sec. 86-301 of the Nebraska Statutes. Thirdly, it violates Alltel's constitutional rights as an impairment on the contract rights pursuant to a Joint Pole Agrmt. entered into between the City of Lincoln & Alltel in Sept. of 1967. And, finally, fourthly, if enacted would result in the taking of Alltel's property without just compensation & would be a breach of the terms of that Joint Pole Agrmt. Let me start with the Telecomm. Act of 1996, Sec. 253. Section 253a prohibits any State or local legal requirement that would have the effect of prohibiting the ability of any entity to compete in the telecommunications arena. Subsection "a" of Sec. 5.17.190 uses, as Steve

required it, a trigger device of if LES moves its facilities underground, the telecomm. & cable facilities must follow. This is an economic burden, again, as pointed out by Steve in response to questions, because the Amendment #7, even as worded, provides no guarantee of complete compensation. It's a burden on a large company such as Alltel. But it's what I'd suggest as a showstopper for a new entry. A new entrant such as a CLEC, a Competitive Local Exchange Carrier, often is less fully capitalized & causing it to move its facilities underground for what presumably would be primarily aesthetic reasons, could impose a problem, economic burden that might lead to that CLEC either not entering competition in the City or simply abandoning the field of competition based upon that cost. Sec. 253.c reserves to the local government only the authority to manage its rights-of-way. It would require fair & reasonable compensation on a competitively neutral & non-discriminatory basis. On the face of the amendment, particularly in light of the LES pending application before the Nebraska Public Service Commission for contract carrier authority, it's obvious that this amendment as applied would be favorable to LES, a potential competitor in telecomm. while it would take away the opportunity...[break in tape]...so & I'll entertain questions if you have some at the end. I also refer to Nebraska Revised Statutes Sec. 86-301. That section allows a municipality to condition its consent for a telecomm. provider to use public rights-of-ways, however, it says quote, "no preference or disadvantage shall be created through the granting or withholding of such consent", end of quote. As I said before, given the status of LES as a telecomm. market entrant, at least a pending request for that & given the disparate treatment of LES & the other private carriers, I think you can see how this runs afoul of this Nebraska Statute. Finally, the two unconstitutionality comments that I made. Article 1, Sec. 16 of the Nebraska Constitution, prohibits any law that abridges the rights of contract. Of course, there's a Federal constitutional provision also that parallels that. Sept. 1, 1967, the City entered into a contract with LT&T which, of course, we now know is called Alltel. That specifically granted Alltel the right to place facilities on City-owned poles & if the City determined to discontinue the use of a jointly occupied pole, there was a requirement that 60 days prior notice be given to the telephone company & the telephone company was specifically granted the option under that contract, to purchase that pole for its then fair market value. By forcing the telephone facilities underground, you can see that you take away that right of contract. That option, if you will, to buy the pole. Also, Article 1, Sec. 21 of the Nebraska Constitution prohibits the taking of property without just compensation. In the City right now & in 1967, 45% of the total poles in the pool are owned by the telephone company & 55% by the City. It's entirely possible in a given location if LES decides to go underground, they're going underground off of a telephone company pole, the telephone companies own property, not LES property, if, as this amendment would seek to do, the telephone company is required to follow LES into the trench. You can see where that dispossesses Alltel of its property, its ownership in that pole without compensation being provided. Mister Huggenberger has just acknowledged a moment ago that even Amendment #7 which proposes a pro rata sharing of the compensation is no guarantee that there would be full compensation. I bring this four points to your attention not to in any way undermine the good faith efforts that compromise that Steve has described & that Mr. Reber has spoken to but I think the Council should be mindful that there are legal frailties, even constitutional frailties, in the amendment, both #3 & #7, & would ask that you take these into careful consideration as you look further at this. I'll be happy to respond to questions if you have any.

Mark Hunzeker, 530 S. 13th St., Suite B, representing Time Warner: In so far as Alltel has agreed to the terms of Amendment #7, we would like to go on record as also having agreed to those terms. We've been speaking with Steve for quite some time about this. And we appreciate the efforts that he's made to come to some language that we all agree on, I think, (inaudible). If there's any questions, we'll try to answer them.

Mr. Cook: I just want to thank Time Warner & your efforts on this that you've been very helpful & cooperative in working with us on this 'cause it's been difficult to work out exactly what language is most appropriate. It's not easy.

Mr. Hunzeker: It's a touchy issue & I, you know, I'm not...in any way attempting to make light of any of the effort that Alltel has gone to in terms of the legal issues because they are real. There is a point where the practical side of this is also very important & we tried to focus on that as opposed to (inaudible) side of it simply because in 99% of the cases, that's where we are. It is very, very rare that we have any

dispute over whether or where or when lines will go underground. It's generally very cut & dry. So, we tried to focus on that &, like I said, Paul's legal analysis is very, I think, is very well taken & hopefully it won't come to a point where we have litigation over it because it's expensive to litigate as well as it is to put lines underground.

Mr. Camp: Council member Seng & I are confused here. There's been reference to Amendments #3, we have 7 & 8 & then we have the May 15th introduced item. Was...

Ms. Seng: What is three?

Mr. Camp: Did we miss three? Or is this one actually #3 that you're referring...the big fat one...

Mr. Huggenberger: No, that's the ordinance.

Mr. Camp: Okay.

Mr. Huggenberger: Amendment #3 is the one that was adopted Oct. 23rd.

Mr. Shoecraft: On here it says 10/23 Amended.

Ms. Seng: Okay.

Mr. Huggenberger: That's correct.

Mr. Cook: I have some questions for Steve or if there's more public testimony...um, the question about the abridging the contract, I think you kind of addressed this with us in a Pre-Council that essentially, even with the earlier wording of this proposal, nothing there would have changed the contractual agreement that LES & Alltel & Time Warner may have on sharing facilities or jointly burying facilities or sharing costs.

Mr. Huggenberger: Not in terms of sharing cost. I think Mr. Schudel was focusing on a little bit different issue & that's the contract of who gets the pole if LES leaves & that they have a contract that indicates they get to use the pole. I believe that was where he was focusing.

Mr. Cook: Okay. And the issue of LES becoming a competitor, that's not necessarily technically correct. I mean they may be leasing lines to other businesses who want to use them. Those could be internet businesses or telephone companies or cable companies or private businesses that may want to make use of those lines but that does not make them a CLEC, does it?

Mr. Huggenberger: Certainly doesn't make them a CLEC & that's not the authorization that LES is requesting & LES has indicated to me, at several times, that there is no intention to have an exclusive agreement with any other provider out there.

Mr. Cook: So, Alltel is always welcome to lease lines from LES as well.

Mr. Huggenberger: As well as Time Warner, as well as anyone else.

Mr. Camp: I had one question. Steve, Mr. Schudel brought up several points regarding other cities & some of the contractual language & I guess my understanding that his testimony was that there is a potential liability here for the City if this Amendment #7 is adopted. Would you address that for us, please?

Mr. Huggenberger: I'm not sure that I can. We have responded to all of the legal arguments that Alltel has made regarding Sec. 253 of the Federal Act regarding 86-301 of the Nebraska Act & I believe we've made responses to some of the Nebraska Constitutional arguments. I have never heard anything until this afternoon of any other communities having similar ordinances that were somehow defeated or affected. That's the first time I heard it. I don't know what cases he's talking about.

Mr. Camp: Since we're going to have public hearing in a week would it be possible for you to get us some information in the interim if that wouldn't be too burdensome?

Mr. Huggenberger: Sure.

Mr. Camp: Perhaps consult with Mr. Schudel just so we understand. Thank you.

Mr. Shoecraft: Joan, this move forward.

Deputy Clerk: Okay, now what we would need is a Motion & a Second for Public Hearing & Action then next week.

Mr. Camp: So moved.

Ms. Seng: Second.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Robert Ray, 442 S. 28th St., came forward on behalf of the Woods Park Neighborhood Assoc., to protest the proposed Amigos Restaurant being

constructed at the northwest corner of S. 27th St. & Capitol Parkway
This matter was taken under advisement.

ORDINANCES - 3RD READING

ORD. 17740 - CHANGE OF ZONE 3269 - APP. OF KREIN REAL ESTATE, INC. FOR A CHANGE FROM R-1 & R-2 RESIDENTIAL TO R-T RESIDENTIAL TRANSITION, & FROM R-1 RESIDENTIAL TO H-4 GENERAL COMMERCIAL, ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF S. 56TH ST. & WALTZ RD., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-271, 00R-272) (10/16/00 - RECONSIDERED, 6-0; ACTION DELAYED 2 WEEKS TO 10/30/00, 6-0) (10/23/00 - PUB. HEARING & ACTION CONT'D TO 11/6/00) - PRIOR to reading:

SENG Moved to amend Bill 00-173 in the following manner:
Beginning on page 2, line 9, strike all of Section 2 & Section 3, through page 4, line 4.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

CLERK Read an ordinance, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

FORTENBERRY Moved to pass the ordinance as amended.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

The ordinance, being numbered **17740**, is recorded in Ordinance Book 24, Page

AMENDING SEC. 10.12.020 OF THE LMC TO PROVIDE A MINIMUM PENALTY FOR VIOLATING A TRAFFIC CONTROL DEVICE IN THE MINIMUM AMOUNT OF \$75.00 - DEPUTY CLERK read an ordinance, introduced by Jon Camp, amending Sec. 10.12.020, Obedience to Official Traffic-Control Devices, of the LMC, to provide a minimum penalty for violating a traffic control device in the minimum amount of \$75.00; & repealing Sec. 10.12.020 of the LMC as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

The ordinance, being numbered **17756**, is recorded in Ordinance Book 24, Page

AMENDING SEC. 9.16.230 OF THE LMC REGARDING PUBLIC NUDITY TO MAKE LANGUAGE CONSISTENT BY REQUIRING A FULLY OPAQUE COVERING OVER THE AREOLA - DEPUTY CLERK read an ordinance, introduced by Jon Camp, amending Sec. 9.16.230(b) of the LMC to bring the ordinance into compliance with the legislative intent expressed in passage of Ord. 17730, which amended Sec. 9.16.230 as it previously existed by requiring the areola & nipple to be covered with a fully opaque covering, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Fortenberry, Seng, Shoecraft; NAYS: Cook, McRoy; ABSENT: Johnson.

The ordinance, being numbered **17757**, is recorded in Ordinance Book 24, Page

AMENDING SEC. 5.04.230 OF THE LMC TO MAKE THE DEFINITION OF NUDITY CONSISTENT WITHIN THE LMC - DEPUTY CLERK read an ordinance, introduced by Jon Camp, amending Sec. 5.04.230 of the LMC relating to Nude Entertainment by amending the language to be consistent with the nudity law & the defined term of nudity, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

The ordinance, being numbered **17758**, is recorded in Ordinance Book 24, Page

AMENDING TITLE 5 OF THE LMC BY ADDING A NEW CHAPTER 5.17 PERTAINING TO TELECOM-MUNICATIONS PROVIDERS USING THE CITY'S RIGHTS-OF-WAY TO ESTABLISH DEFINI-TIONS, STANDARDS, & PERMIT FEES FOR THE USE OF RIGHTS-OF-WAY; TO PROVIDE FOR INSURANCE, BONDING, & CONSTRUCTION STANDARDS FOR TELECOMMUNICATIONS FACILITIES LOCATED IN RIGHTS-OF-WAY; TO ESTABLISH PROCEDURES FOR REVIEWS OF DECISIONS REGARDING TELECOMMUNICATIONS FACILITIES; & TO PROVIDE FOR ENFORCEMENT OF THIS ORDINANCE - PRIOR to reading:

CAMP Moved to reopen the Pub. Hearing on Bill 00-100 for this date.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

** See Public Hearing portion under "**PUBLIC HEARING**". **

CAMP Moved to continue Pub. Hearing & to delay action on Bill 00-100 for one week to 11/13/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.
DEPUTY CLERK Read an ordinance, introduced by Jon Camp, amending Title 5 of the LMC by adding a new Chapter 5.17 pertaining to telecommunications providers using the City's right-of-way to establish definitions, standards, & permit fees for the use of right-of-way; to provide for insurance, bonding & construction standards for telecommunications facilities located in the right-of-way; to establish procedures for reviews of decisions regarding telecommunications facilities; & to provide for enforcement of this ordinance, the third time.

USE PERMITS & SPECIAL PERMITS

RESOLUTION A-80486 - USE PERMIT 131 - APP. OF KREIN REAL ESTATE, INC. TO CONSTRUCT SEVEN 5,000 SQ. FT., ONE-STORY, OFFICE/MEDICAL BUILDINGS & ASSOCIATED PARKING, WITH REQUESTS TO REDUCE THE PRIVATE ROADWAY WIDTH OF WALTZ RD. & TO WAIVE SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-272, 00-173) (10/16/00 - RECONSIDERED, 6-0; ACTION DELAYED 2 WEEKS TO 10/30/00, 6-0) (10/23/00 - PUBLIC HEARING & ACTION 11/6/00) - PRIOR to reading:

SENG Moved to place Bill 00R-271 on Pending.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

RESOLUTION A-80487 - SPECIAL PERMIT 1855 - APP. OF KREIN REAL ESTATE, INC. TO DEVELOP 44,000 SQ. FT. OF RETAIL/COMMERCIAL FLOOR AREA, A REDUCTION OF THE FRONT YARD, A REDUCTION OF THE PRIVATE ROADWAY WIDTH OF WALTZ RD., & A WAIVER OF SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-271, 00-173) (10/16/00 - RECONSIDERED, 6-0; ACTION DELAYED 2 WEEKS TO 10/30/00, 6-0) (10/30/00 - PUBLIC HEARING & ACTION CONT'D TO 11/6/00) - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, Coleen Seng moved its adoption in her absence:

A-80487 WHEREAS, Krein Real Estate has submitted an application designated as Special Permit 1855 for authority to develop 44,400 sq. ft. of retail/commercial space on property located at S. 56th St., 1/4 mile south of Old Cheney Rd., & legally described to wit:

Lot 43 Irregular Tract, located in the NE1/4 of Section 17, T9N, R7E of the 6th P.M., Lancaster County, Nebraska; more particularly described by metes & bounds as follows:

Commencing at the East Quarter corner of Section 17, T9N, R7E of the 6th P.M., Lancaster County, Nebraska; thence north 00 00 mins. 00 secs. west (an assumed bearing) on the east line of the NE1/4 of said Section 17, a distance of 285.00'; thence south 89 53 mins. 46 secs. west, a distance of 33.00'; thence north 00 00 mins. 00 secs. west, a distance of 115.06'; thence south 90 00 mins. 00 secs. west, a distance of 17.00'; thence north 00 00 mins. 00 secs. west, a distance of 150.00' to the point of beginning; thence north 49 59 mins. 19 secs. west, a distance of 348.16'; thence north 00 04 mins. 02 secs. east, a distance of 134.22'; thence north 16 53 mins. 42 secs. east, a distance of 142.43'; thence north 00 04 mins. 02 secs. east, a distance of 548.15'; thence north 89 53 mins. 46 secs. east, a distance of 241.47'; thence south 00 00 mins. 00 secs. east, a distance of 1042.94'; thence north 90 00 mins. 00 secs. west, a distance of 17.00' to the point of beginning, & containing a calculated area of 240,119.99 sq. ft. or 5.51 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this retail/commercial development will not be adversely affected; &

WHEREAS, said site plan together with the terms & conditions hereinafter set forth are consistent with the intent & purpose of Title 27 of the LMC to promote the public health, safety, & general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the App. of Krein Real Estate, Inc., hereinafter referred to as "Permittee", to develop 44,400 sq. ft. of retail/commercial space, on the property legally described above, be & the same is hereby granted under the provisions of Sec. 27.63.470 of the LMC upon condition that construction & operation of said retail/commercial development be in strict compliance with said application, the site plan, & the following

additional express terms, conditions, & requirements:

1. This permit approves:
 - a. 44,400 sq. ft. of retail/commercial floor area.
 - b. A reduction of the front yard from 50' to 30'.
 - c. A reduction of the pavement width of the private roadway to 21'.
 - d. A waiver of sidewalk requirements to allow sidewalks on only one side of the private roadway.
2. Before receiving building permits:
 - a. The construction plans must conform to the approved plans.
 - b. Final plats within this special permit area must be approved by the City.
3. Before occupying this buildings, all development & construction must be completed in conformance with the approved plans.
4. All privately owned improvements must be permanently maintained by the Permittee or an appropriately established owners association approved by the City Attorney.
5. The site plan, approved by this permit, shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking & circulation elements, & similar matters.
6. The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, its successors, & assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign & return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit & the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

PETITIONS & COMMUNICATIONS

TWENTY-NINE FORMAL ORNAM. LIGHTING PETITIONS SUBMITTED FOR ORNAM. LIGHTING DIST. 283, ORD. 17732, FOR WOODS AVE., 33RD ST. TO 38TH ST. - DEPUTY CLERK presented said petitions which were referred to the Law Dept.

CHANGE OF ZONE 3259 - APP. OF NEBRASKA ASSOCIATION OF COUNTY OFFICIALS FOR A CHANGE FROM R-8 TO O-1 AT 725 S. 14TH ST. (5/30/00 - REFERRED TO PLANNING) - **WITHDRAWN BY APPLICANT.**

PETITION TO VACATE PUBLIC WAY AS FOLLOWS: 1) WEST 22' OF STADIUM DR. ADJACENT TO LOTS 4, 5, & 6, BLOCK 10, LOTS 1 & 2, BLOCK 15, NORTH LINCOLN ADD., VACATE "V" ST., & FROM THE SOUTH LINE OF "U" ST. NORTH 50', 2) ALL OF "U" ST. FROM THE EAST LINE OF 9TH ST. TO THE EAST LINE OF LOT 2, BLOCK 5, ORIG. PLAT OF LINCOLN & SOUTH HALF OF "U" ST. FROM THE EAST LINE OF LOT 2, BLOCK 10, ORIG. PLAT OF LINCOLN TOT HE WEST LINE OF STADIUM DR., LINCOLN, LANCASTER COUNTY, NEBRASKA - DEPUTY CLERK presented said petition which was referred to the Law Dept.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON OCT. 23, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80524 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 10/27/00)

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR DOWNTOWN BUSINESS IMPROVEMENT DIST., CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY, & DOWNTOWN MAINTENANCE DIST. TO BE HELD ON MON., NOV. 20, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP II TO BE HELD ON MON., NOV. 13, 2000 AT 10:00 A.M. - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE FEES DUE FOR THE QUARTER ENDING 9/30/00 FROM TIME WARNER CABLE - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **July, Aug., & Sept., 2000:** Touch 1 Comms., Matrix Telecom; **Aug. & Sept., 2000:** International Exchange Comms.; **Sept., 2000:** Aliant Cellular dba Alltel, Aliant Comms. dba Alltel, Nebraska Technology & Telecomms., Lincoln Celtelco, Shaffer Comms., Airtime SMR, Sprint Comm. Co. Ltd., AT&T Comms. of the Mid-west, Sprint Spectrum, NPCR, Inc. dba Nextel, Global Crossing Telecomms., Network Billing Systems, American Farm Bureau, Furst Group, Verizon Select Services, Excel Telecomms., Coast Internat'l, Intellicall Operator Services, & Broadwing Telecomms. - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDERING ALLEY PAVING DIST. 358 CONSTRUCTED IN THE NORTH-SOUTH ALLEY LOCATED BETWEEN ST. PAUL AVE. & MADISON AVE. & N. 49TH & N. 50 ST. - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80519 WHEREAS a majority petition has been submitted by the owners of record title, representing a majority of the front footage of the property directly abutting upon the alley in Alley Paving Dist. 358, being North/South Alley between St. Paul Ave. to Madison Ave. & N. 49th to N. 50th Sts., & have been filed with the City Clerk, petitioning for the construction of said alley paving.

THEREFORE BE IT RESOLVED that the Dept. of Public Works is hereby authorized & directed to proceed with the preparation of detailed plans & specifications & to obtain bids for the said alley paving work in accordance with this resolution.

BE IT STILL FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

OTHER RESOLUTIONS

AMENDING THE "DESIGN STANDARDS FOR LAND SUBDIVISION REGULATIONS", THE "DESIGN STANDARDS FOR ZONING REGULATIONS", & THE "MISCELLANEOUS DESIGN STANDARDS" & TO COMBINE THE DESIGN STANDARDS INTO A SINGLE DOCUMENT ENTITLED "THE CITY OF LINCOLN DESIGN STANDARDS." (10/2/00 - PUBLIC HEARING & ACTION DELAYED TO 10/9/00) (MOTION TO AMEND) (10/9/00 - PLACED ON PENDING) (10/23/00 - PUBLIC HEARING & ACTION 11/6/00) - PRIOR to reading:

SENG Moved to adopt Amendments 1.A. & 2 thru 7 as follows:

MOTION TO AMEND 1A:

Amend Exhibit "A" City of Lincoln Design Standards by adding Section 2 to Chapter 1.00, Request for Waiver Procedure to read as follows:

Section 2. PROCEDURE

2.1 Design Standards for Subdivision Regulations

Any request for a deviation from the Design Standards for Subdivision Regulations shall first be submitted to the Planning Commission for its recommendations & report. The Planning Commission shall hold at least one public hearing on the request before submitting its recommendations & report. Notice of the Commission's hearing shall be provided pursuant to Section 26.11.036 of the LMC. Upon receiving a report from the Planning Commission, the City Council, after public hearing, shall take final action upon

the requested deviation.

2.2 Design Standards for Zoning Regulations

Any request for a deviation from the Design Standards for Zoning Regulations shall first be submitted to the Planning Commission for its recommendations & report. The Planning Commission shall hold at least one public hearing on the request before submitting its recommendations & report. Notice of the Commission's hearing shall be provided pursuant to Section 27.81.050 of the LMC. Upon receiving a report from the Planning Commission, the City Council, after public hearing, shall take final action upon the request. Notwithstanding the above, any request for a deviation of the Capitol Environs Design Standards may be approved by the Nebraska Capitol Environs Commission as provided in said design standards & any request for deviation of the Neighborhood Design Standards may be approved by the Historic Preservation Commission as provided in said design standards.

2.3 Design Standards for Driveways Under Chapter 14.75 of the LMC

Any request for a deviation from the Driveway Design Standards shall be submitted to the Director of Building & Safety (residential) or the Director of Public Works & Utilities (commercial). The appropriate Director shall within 15 days, file a written report on the requested deviation from design standards with the City Clerk setting forth the design standard deviation being requested & the reasons recommended for granting or denying such deviation. Upon receipt of the report, the City Clerk shall schedule said request for a deviation & report on the next reasonably available City Council agenda & the City Council, after holding a public hearing on the request for deviation, shall either approve or deny the request.

MOTION TO AMEND #2:

Amend Exhibit "A" City of Lincoln Design Standards by amending Section 2.4 of Chapter 2.00, Sanitary Design Standards to read as follows:

2.4 Sanitary Sewer Services

On new sanitary sewer projects in residential developments, sewer service stub-outs shall be constructed from the sewer main to each abutting lot. The stub-out should generally extend to the center of the lot frontage along the platted street & terminate at the right-of-way line. This termination point may vary in cul-de-sac locations, in situations where the sewer is not in the street right-of-way & at locations where the sewer does not extend completely across the lot frontage. Construction of service lines shall conform to the *City of Lincoln Standard Specifications for Municipal Construction* & the *Lincoln Standard Plans*. Construction drawings shall indicate the location (stationing) of the service wye & terminating invert elevation of the service stub-out at the right-of-way line or other point of termination. All service laterals shall be properly plugged & clearly marked as set forth in the *City of Lincoln Standard Specifications for Municipal Construction* & the *Lincoln Standard Plans*.

MOTION TO AMEND #3:

On page 1, line 12, insert the following language:

"BE IT FURTHER RESOLVED that the City of Lincoln Design Standards shall be effective 45 days from & after their adoption except that applications submitted prior to the effective date of these Design Standards shall be governed by the prior applicable Design Standards."

MOTION TO AMEND #4:

Amend Exhibit "A" City of Lincoln Design Standards by:

1. Amending Specification Number 2 under Section 1 of Chapter 2.35, Design Standards for St. Trees to read as follows:

2. ~~St. trees shall be planted along both sides of all paved streets & private roadways within the subdivision & on the side of the streets & private roadways which abut the subdivision. The street trees shall be planted in the public right-of-way except along major streets in which case the trees shall be planted on the private property abutting such major streets in conformance with LMC 26.27.090, other sections of the LMC, & the Design Standards for St. Trees.~~ No trees shall be planted closer than five (5)' to any utility service lines to the home. The location of the service lines shall be

considered, for distance purposes, to be the surface of the ground above the service line.

2. Amending Specification Number 2 under Section 3.95 Design Standards for St. Trees (Zoning Regulations) to read as follows:

2. ~~St. trees shall be planted along both sides of all paved streets & private roadways within the subdivision & on the side of the streets & private roadways which abut the subdivision. The street trees shall be planted in the public right of way except along major streets in which case the trees shall be planted on the private property abutting such major streets in conformance with LMC 26.27.090, other sections of the LMC, & the Design Standards for St. Trees.~~ No trees shall be planted closer than five (5)' to any utility service lines to the home. The location of the service lines shall be considered, for distance purposes, to be the surface of the ground above the service line.

MOTION TO AMEND #5:

Amend Exhibit "A" City of Lincoln Design Standards by amending Section 2.2 of Chapter 2.10 Water Main Design Standards to read as follows:

2.2 Pressure System

The city's water system is divided into five distinct pressure systems to serve differing elevations in the City. These systems are:

1. The Low Duty service area includes downtown, north & northeast Lincoln. System pressures range from 35 to 75 psi (241 to 724 kPa), hydraulic gradient - 1295 ft. (394 m) USGS.
2. The Belmont service area includes the Belmont, Highlands, & Air Park West areas. Pressures range from 35 to 105 psi (241 to 724 kPa), hydraulic gradient 0 1380 ft. (421 m) USGS.
3. the High Duty service area serves the higher elevations in southwest to northeast Lincoln. System pressures range from 40 to 100 psi (276 to 690 kPa), hydraulic gradient - 1395 ft. (425 m) USGS.
4. The Southeast service area includes the area of Lincoln south & east of 56th & A Sts. Pressures range from 40 to 100 psi (276 to 690 kPa), hydraulic gradient - 1480 ft. (451 m) USGS.
5. The Cheney Booster service area includes the are of Lincoln south & east of the Southeast service area. Pressures range from 40 to 100 psi (276 to 690 kPa), hydraulic gradient - 1580 ft. (482 m) USGS.
6. The Northwest Booster service area includes the area of Lincoln in the Fallbrook area & northwest portions at the Highlands. Pressures range from 40 psi to 100 psi, hydraulic gradient - 1460 ft USGS.

It is vital that these systems remain separate. New water mains must not create a connection between the pressure systems without provisions to maintain the separation of the systems. Consultation with the Public Works & Utilities Dept. & the Lincoln Water System will determine the boundaries of the systems. Facilities in areas where pressures are on the low end of these ranges may require that pressure boosting equipment be installed on the customers premises. Lincoln Water System's planning maps also show areas within the system Planning Limits where booster pressure systems must be constructed prior to development. These booster systems are contingent upon terrain elevations.

MOTION TO AMEND #6:

Amend Exhibit "A" City of Lincoln Design Standards by amending Section 3.14.12 of Chapter 2.15 Urban Public St. Design Standards to read as follows:

3.14.12 Landscaping

The center island of the roundabout may be landscaped using approved plant materials not exceeding maximum mature height of 24 inches & certain designated street trees conforming to the requirements of the *Design Standards for St. Trees*. Trees placed in the center island shall be trimmed up to 6 ft. (1.8 m) above the ground & maintained for traffic sight clearance. ~~Other plant material shall be kept trimmed to a height of not more than 24 inches (0.8 m) above the plane of the top~~

~~of the curb. Notwithstanding the above, no plant material or other landscape material, except grass, having a maximum mature height in excess of 6 inches shall be placed within 8 4' (2.4 1.2 m) from the back of the curb. Landscape maintenance & replacement, by written agreement between the City & the appropriate parties, shall be the responsibility of the abutting property owners, a homeowners association or other private entity. Landscaping plans shall include a program for maintenance & replacement of trees & plant material & shall be approved by the Dept. of Public Works & Utilities & the City Parks & Recreation Dept.. All landscaping shall be installed along with within two planting seasons following the paving construction.~~

MOTION TO AMEND #7:

Amend Exhibit "A" City of Lincoln Design Standards by amending Section 3.3.3 of Chapter 2.15 Urban Public St. Design Standards to read as follows:

3.3.3 Cul-de-Sacs

Geometry & details of standard symmetrical & offset type cul-de-sacs for the various property line radii are shown on *Figures S-1, S-2 & S-3*.

a. Center Island

A curbed center island having a diameter of 30' (9.1 m) may be placed at the center of the cul-de-sac. The center island shall be landscaped using approved plant materials not exceeding a maximum mature height of 24 inches & certain designated street trees conforming to the requirements of the *Design Standards for St. Trees*. Trees placed in the center island shall be trimmed up to 6' (1.8 m) above the ground & maintained for traffic sight clearance. Other plant material shall be kept trimmed to a height of not more than 24 inches (0.8 m) above the plane of the top of the curb. Landscape maintenance including replacement & the maintenance of the center island curb, by written agreement between the City & the appropriate parties, shall be the responsibility of the abutting property owners, a homeowners association, or other private entity. Landscaping plans shall include a program for maintenance & replacement of trees & plant material & shall be approved by the Dept. of Public Works & Utilities & the City Parks & Recreation Dept.. All landscaping shall be installed along with within two planting seasons following the paving construction ~~within two (2) years.~~

DEPUTY CLERK Read the following resolution, introduced by Cindy Johnson, Jon Camp moved its adoption in her absence:

A-80518 WHEREAS, the City of Lincoln has previously adopted Design Standards for Subdivisions, Design Standards for Zoning, & Driveway Design Standards; &

WHEREAS, the Director of Planning & the Director of Public Works have recommended that the Design Standards for Subdivisions, Design Standards for Zoning, & Driveway Design Standards be consolidated into a single document to be known as the City of Lincoln Design Standards; &

WHEREAS, said consolidated City of Lincoln Design Standards have been reviewed & recommended for approval by the Lincoln City-Lancaster County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the proposed City of Lincoln Design Standards, marked as Exhibit "A" attached hereto as though fully set forth verbatim herein, are hereby adopted as the official Design Standards for the City of Lincoln.

BE IT FURTHER RESOLVED that the City of Lincoln Design Standards shall be effective 45 days from & after their adoption except that applications submitted prior to the effective date of these Design Standards shall be governed by the prior applicable Design Standards.

BE IT FURTHER RESOLVED that the City Clerk is directed to place & file in his office three copies of said City of Lincoln Design Standards for use by the citizens of the City of Lincoln, Nebraska.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

APPOINTING MARY JENSEN TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION TO FILL AN UNEXPIRED TERM EXPIRING JANUARY 1, 2003 - DEPUTY CLERK read the following

resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80520 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Mary Jensen to the Lincoln-Lancaster Women's
Commission to fill an unexpired term expiring January 1, 2003 is hereby
approved.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

APPROVING THE AGRMT. BETWEEN THE CITY OF LINCOLN & THE STATE DEPT. OF ROADS WHICH
PROVIDES A \$20,000 INCREASE IN THE MAXIMUM AMOUNT THE STATE AGREES TO
REIMBURSE THE CITY FOR REHABILITATING THE DECK HEATING SYSTEM IN THE 10TH
ST. PEDESTRIAN/BIKEPATH OVERPASS - DEPUTY CLERK read the following
resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80521 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Supplemental Agrmt. 4 between the State of
Nebraska, Dept. of Roads & the City of Lincoln which provides for a
\$20,000.00 increase in the maximum amount the State agrees to reimburse
the City for rehabilitating the deck heating system in the 10th St.
Pedestrian/Bikepath Overpass (Project No. BRM-5215(2)) in accordance with
the terms & conditions contained in said supplemental agreement is hereby
approved & the Mayor is authorized to execute the same on behalf of the
City of Lincoln.

The City Clerk is directed to return the executed copies of the
Agreement to the Dept. of Public Works, for transmittal & execution by the
State Dept. of Roads.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

AMENDING THE 1994 LINCOLN-LANCASTER COUNTY COMP. PLAN TO ADOPT THE BOULEVARD
CONCEPT FOR PUBLIC WAY CORRIDORS & TO INCORPORATE THE LINCOLN FRINGE AREA
PRIMARY PUBLIC WAY CORRIDOR STUDY BY REFERENCE - PRIOR to reading:

SENG Moved to place on Pending for 2 weeks to 11/20/00.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook,
Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL OPERATING & CAPITAL IMPROVEMENTS
BUDGET FOR CALENDAR YEAR 2001 - PRIOR to reading:

COOK Moved to delay action on Bill 00R-302 for 2 weeks to 11/20/00.

Seconded by Seng & **LOST** by the following vote: AYES: Camp, McRoy,
Seng, Shoecraft; NAYS: Cook, Fortenberry; ABSENT: Johnson.

FORTENBERRY Moved to adopt the resolution.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

CAMP Moved to reconsider Bill 00R-302.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook,
Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

COOK Moved to delay action on Bill 00R-302 for 2 weeks to 11/20/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

APPROVING AN AMENDMENT TO THE DOWNTOWN LINCOLN ASSOC. PROGRAM OF WORK & BUDGET
FOR THE PROVISION OF SERVICES UNDER THE MANAGEMENT & MAINTENANCE CONTRACT
- DEPUTY CLERK read the following resolution, introduced by Jeff
Fortenberry, who moved its adoption:

A-80522 WHEREAS, the City of Lincoln has entered into a contract with the
Downtown Lincoln Association for the provision of services within various
downtown business improvement districts; &

WHEREAS, said contract requires the submittal of a work plan &
annual budgets for work to be performed in the Downtown Maintenance
District by the Downtown Lincoln Association which was previously approved
by the City Council by Resolution No. A-79651, adopted August 16, 1999.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Lincoln, Nebraska:

That the attached Amendment to the Downtown Lincoln Association
Program of Work & Budget for the period of September 1, 1999 to August 31,
2000 for the provision of services by the Downtown Lincoln Association
under the Management Contract as it relates to the Maintenance District is
hereby approved.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

ASSESSMENT RESOLUTIONS FOR SPECIAL ASSESSMENT GROUP II, BOARD OF EQUALIZATION MEETING, NOV. 13, 2000, AT 10:00 A.M. - DEPUTY CLERK read the resolutions, introduced by Jeff Fortenberry, who moved their adoption.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

SETTING HEARING DATE OF MON., NOV. 20, 2000 AT 1:30 P.M. ON THE APP. OF LINCOLN P STREET CATERING CO. INC. DBA EMBASSY SUITES FOR AN ADDITION TO THE LICENSED PREMISES AT 1040 P ST. - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80523 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Nov. 20, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Lincoln P St. Catering Co. Inc. dba Embassy Suites for an addition to the license premise at 1040 P St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

COMP. PLAN AMENDMENT 94-60 - AMENDING THE FUTURE LAND USE, LONG RANGE TRANSPORTATION, STORMWATER, COMMUNITY FACILITIES, & OTHER APPROPRIATE PORTIONS OF THE COMP. PLAN TO REFLECT THE ELEMENTS OF THE ANTELOPE VALLEY PROJ.

***** VERBATIM TRANSCRIPT OF COUNCIL MEMBER JONATHAN COOK'S COMMENTS *****

Mr. Cook: Yes, um, yeah, I just want to start out by saying that, in general, I'm skeptical of big government projects & this is no exception. This is the largest Public Works Project ever in Lincoln. But it has worthy goals & it holds great promise but it could also become a disappointment. What matters is how it's implemented. If we cut corners, if we fail to secure the adequate funding, if the private investment doesn't materialize, then we will have failed. But if we pay attention to the details, if the community stays involved, that's very important, & if we work to find the necessary funding & if the private investors buy in, Antelope Valley could be of great benefit to the core of Lincoln. The attention & involvement is necessary to ensure that the vision becomes reality. And making sure we supply the funding for maintenance once construction is complete is critical as well. For Antelope Valley to be a success, it must have the support of the community & the elected leaders long term. We must do all we can to make sure we do this project right. There are a few things I want to make sure we get on the record today. I am concerned about the many businesses & homes that find themselves in the path of this project & I appreciate Councilman Camp's comments about that. It is imperative that we do all we can to make sure that these people are treated fairly & that they are treated with respect. If this project were to result in wide spread mistrust & dissent, I think the community would, as they have in past projects, withdraw their support. There's still details of the project which I believe must continue to be evaluated. I believe the big six lane, two-way roadway on 19th St. south of "Q" is a mistake & that the one-way...a one-way pair of 18th & 19th Sts. is a better solution. Until such time that the roadway finds its way into the near term Capitol Improvements Program, I would encourage us all to consider carefully what the proper balance is between land uses & a safe, efficient traffic flow. As the Antelope Valley Proj. moves forward, we must take steps to deal with the flood plains throughout Lincoln. I can understand the concerns of those who see so much attention being lavished upon one area of town while their own neighborhood flooding dangers are ignored, perhaps even made worse, by bad development decisions. I believe the time is now, under this Administration, to take a more comprehensive approach & to put in place new serious flood plain protections for every neighborhood. And while we are building over & underpasses in Antelope Valley to eliminate at-grade rail crossings, we must remember those projects like the 3rd & "A" overpass that are no less important. This project shows a commitment to the core of our City to investing & reinvesting in older neighborhoods. While not everyone will agree with the approach, we have gone through a long process to get here. The goals are worthy & a commitment by the community is critical to its success. So, I plan to vote yes to show that commitment now & with the understanding that this is just the beginning of a long-term effort to reinvest in the older neighborhoods of Lincoln.

***** END OF VERBATIM TRANSCRIPT *****

DEPUTY CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80525 WHEREAS, the Planning Director has made application to amend the 1994 Lincoln City-Lancaster County Comprehensive Plan to amend the Future Land Use, Transportation, Stormwater, Community Facilities, & other appropriate portion of the Plan to reflect changes the elements of the Antelope Valley Project; &

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the 1994 Lincoln City-Lancaster County Comprehensive Plan be amended as follows:

1. Amend Chapter III Future Needs & Land Use Plan to add a new Strategy under B. Urban Residential (Gold), 2. Existing Urban Residential Areas, a. Affordability, as follows:
 - Community revitalization & redevelopment plans for the Antelope Valley area should be prepared to ensure affordable housing continues to be available in the area impacted by the project. (page 48)
2. Amend Chapter III Future Needs & Land Use Plan to add a new Strategy under B. Urban Residential (Gold), 2. Existing Urban Residential Areas, b. Reinvestment, as follows:
 - Develop a community revitalization plan, followed by a more specific redevelopment plan for the area impacted by the Antelope Valley project to coordinate & maximize reinvestment in the area, including strategies for relocated & affordable housing. (page 50)
3. Amend Chapter III Future Needs & Land Use Plan to add a new Strategy under B. Urban Residential (Gold), 2. Existing Urban Residential Areas, c. Preservation of Neighborhood Character, as follows:
 - Include strategies in the Antelope Valley Redevelopment Plan that provide for a smooth transition between commercial & residential land uses; that include design standards to provide architectural styles that are compatible with the surrounding neighborhood; that address streetscape, landscape & amenities; &, that relocate structures acquired, to the extent possible, within the same neighborhood.
 - Implement the "Closer to Home Strategies" developed by the neighborhood residents & the Urban Development Dept. to improve, stabilize & enhance the neighborhoods in & around the Antelope Valley Area. The strategies include housing improvement programs, infrastructure improvement programs, landscaping programs, & technical assistance.
 - Assist in the development & implementation of plans for community centers that provide a broad range of services including but not limited to health care, child care, adult care, cultural activities, social activities, & continuing education.
 - Develop a master plan, including design standards, for the expansion of Trago Park, the expanded trails network & for the new "Northeast" park.
 - Amend the agreement between the City & the University of Nebraska-Lincoln to establish a new boundary between the University & the Malone Neighborhood, to permanently dedicate Trago Park as a public park, & to determine other changes that may be desirable. (Page 51)
4. Amend Chapter III Future Needs & Land Use Plan to add Number 11. Antelope Valley Mixed Use Development Area to D. Commercial (Red), as follows:

The development of the Antelope Valley plan included community revitalization concepts. The redevelopment of the area between the north/south roadway & the waterway figured prominently in the development of the Antelope Valley plan. Several concepts were identified by the community to be included in a development plan for the area. Those concepts include: a supermarket near O St. & the new roadway; a mix of uses along the waterway that could include retail, restaurant & office uses on the first floor with apartments & office uses on upper floors; the development of new townhouses & apartments; & the development of a mixed use/service retail/and corporate office park south of O St. The members of the public who participated in the Antelope Valley plan indicated a need for housing that would accommodate all income levels in this area.

- Specific land uses & development plans for the area including the new north/south road & the channel have not been identified to date. Design Standards or overlay districts may be created for the area. The City, in conjunction with the Joint Antelope Valley Authority (JAVA) will be preparing a Redevelopment Plan for the area to further develop the land uses & strategies for redevelopment of this area.
5. Amend Chapter IV Transportation, C. Future Traffic volumes & future Urban St. & Road Network, as follows:
- 2. Antelope Valley Major Investment Study Roadway**
- The City of Lincoln, the Lower Platte South Natural Resource District (LPSNRD) & the University of Nebraska-Lincoln (UNL) have jointly agreed to resolve the current problems of traffic/pedestrian circulation, storm sewer drainage & flood control associated with a portion of the Antelope Creek drainage basin that stretches from Salt Creek south to the Holmes Lake watershed & community revitalization needs in the area. A very extensive public process yielded "The Phase III Report Draft Single Package," the "Amended Draft Single Package May (8.28.98)," & the "Summary of Five Issue Areas" (Amendment 9428), which is a refinement of the Major Investment Study & is hereby incorporated by reference as an approved component of the Plan. It should be clear that this is a study & not a project for construction. (Amendments 9405 & 9424.)
- The City of Lincoln, the Lower Platte South Natural Resource District (LPSNRD) & the University of Nebraska-Lincoln formed a partnership to address the concerns of traffic/pedestrian circulation, community revitalization needs, & storm water drainage & flood control associated with a portion of the Antelope Creek drainage basin. The Joint Antelope Valley Authority (JAVA) was created in the spring of 2000 to complete the study phase & facilitate the implementation of the Antelope Valley project.
- The implementation of the Antelope Valley project will be conducted through the Joint Antelope Valley Authority, which is a partnership of the City of Lincoln, the University of Nebraska-Lincoln, & the Lower Platte South NRD. The first phase of implementation will include all of the community revitalization elements, construction of the north/south roadway from approximately N. 14th St. & Salt Creek south to K St., construction of the east-west diagonal road from the 9th/10th St. connection to a point east of 27th St., & construction of all of the storm water & flood control elements.
- A very extensive public process yielded a package that includes a single north-south & east-west road alignment, a park-like area for an open waterway & trail network, & community revitalization elements. The following reports were appended to the Comprehensive Plan to reflect the preferred road & waterway alignments to be addressed in the Draft Environmental Impact Statement (DEIS): "The Phase III Report Draft Single Package," & the "Amended Draft Single Package May (8/28/98)," & the "Summary of Five Issue Areas" (Amendments 9424 & 9428.) The 2000 Long Range Transportation Plan models a 4 lane roadway for Antelope Valley, but retains the area as a study corridor. Antelope Valley has progressed from the status of a "study" to the status of a project. The community revitalization strategies & the park additions to the Future Land Use Plan are addressed in Chapter III Future Needs & Land Use Plan; the stormwater strategy is addressed in Chapter V Public Utilities; & the parks & community facility strategies are addressed in Chapter VI Community Facilities. (Page 108) The Antelope Valley plan designates a roadway to be designed initially as a four-lane boulevard with dual left turn lanes & a wide, landscaped center median. The overpass over the Burlington Northern-Santa Fe railroad tracks will be constructed for an ultimate build-out containing six lanes of through traffic, dual left turns & one right turn lane. The Draft Environmental Impact Statement addressed the impacts of a six-lane road, & it is intended that right-of-way sufficient to accommodate a six lane road with dual left turn lanes & right turn lanes will be acquired at the outset of the project. The number of lanes to be constructed at the outset

will be evaluated during the final design process, in conjunction with the 2000 update of the Comprehensive Plan. If the Comprehensive Plan is amended to allow the construction of a six lane roadway south of Q St., the widening would occur inward to the median so as to minimize disruption to abutting property owners.

6. Amend Chapter IV Transportation, Table 10 Transportation Projects, as follows:

Chapter IV-Transportation

Table 10 Transportation Projects

Remove:

~~148 Antelope Valley Draft Single Package - STUDY~~

Add a project:

xxx Antelope Valley Roadway 10.2 miles see text for description

7. Amend Chapter IV Transportation, F. Railroads , as follows:

Goals

- *Maintain & enhance an efficient network of roads & public ways that allows the movement of people & freight to all areas of the community, prioritized to meet the current & future needs, balancing environmental effects, safety concerns, cost effectiveness, urban design & relationships to other community goals.*
- *Maximize the safe & efficient movement of rail passengers & freight, while minimizing conflicts with street, highway, non-motorized traffic, & adjacent land uses, while reducing adverse effects of rail caused community isolation.*

Lancaster County is served by both freight & passenger rail service. Currently up to 40 trains a day travel east-west through the County (see Figure 37.) There are currently a number of projects in the planning, development or implementation stage which should reduce the rail/vehicular/pedestrian conflicts at street crossings. Those projects include:

1. Van Dorn Connections to the West By-Pass (Grade Separation)
2. Elimination of railroad tracks in the UNL Downtown campus
3. Consolidation of tracks in the 3rd St. Corridor
4. ~~The Holdrege St. By-Pass between 14th & 16th Sts. (Grade Separation)~~ The Antelope Valley roadway elevated intersection in the vicinity of N. 16th St. & State Fair Road.
5. 33rd & Adams St. extension underpass (Grade Separation)
6. Closure of the grade crossing at the 35th St., Adams St. & Cornhusker Highway intersection.
7. Addition of a new underpass under the BNSF rail corridor near N. 29th St.(p.117)

8. Amend Chapter V Public Utilities, D. Stormwater Management & Flood Control Strategies, as follows:

Strategies:

Continue to regulate development in floodplains & floodways. Be prepared to respond to findings that suggest that current restrictions have off-site effects & are inadequate to protect property.

Maintain a regional approach to Federal stormwater mandates, involving the City, County, NRD, & other agencies.

Examine alternatives for financing stormwater improvement projects.

Develop project approaches which view stormwater as an asset, utilizing natural drainage patterns, retention & detention facilities, wetlands, & drainage corridors as natural ways to manage run-off.

- Complete a Stormwater Management Master Plan.
- Implement the Antelope Valley flood control project to construct a new, open channel that will contain the waters of a designated "100-year" rain-fall event. The project also entails the replacement of the South St. bridge over Antelope Creek, removal of the 38th St. bridge & potential enhancements to the channel south of "J" St. The project will designate a flood plain that is within the banks of a new channel, will remove a large portion of the central city from the designated flood plain, & will allow for revitalization of the area. The new channel will be developed in a park-like atmosphere between "J" St. & Salt Creek. A trail will be constructed along the length of the new channel.

9. Amend Chapter VI Community Facilities, 3. Lincoln Parks, Recreation & Open Space, & 4. Other Public, Semipublic, & Private Facilities, as follows:

3. **Lincoln Parks, Recreation & Open Space**
 - b. **Recreational Trails**

Strategies:

Program trails development as part of the City's transportation capital program as well as its recreational effort. Include trails & linear parks in the development of new major transportation projects, such as Antelope Valley & the South & East Beltways. Develop relationships with other entities, such as the Lower Platte South NRD for the operation & maintenance of the trails & parkway associated with the Antelope Valley project. (Page 160)

c. Park, Recreation & Open Space Improvement Plan.

- development of a linear park system following stream courses, particularly where flood prone areas are present, & use of the linear parks for open space, hiking, riding & bicycling. Such a system includes: Beals Slough between Pine Lake Road & its confluence with Salt Creek; Rock Creek; Middle Creek; Haines Branch; & Antelope Creek, between 84th St. & its confluence with Salt Creek & 'N' St. where the creek enters the underground conduit; & Dead Man's Run. (Page 161)

4. Other Public, Semipublic, & Private Facilities

add the following text to the end of the section:

The Antelope Valley project includes a strategy to assist in the development & implementation of plans for community facilities that provide a broad range of services including, but not limited to health care, child care, adult care, cultural activities & continuing education. (p.163)

10. Amend Figure 16 (Lincoln's Land Use Plan) & Figure 17 (Lancaster County's Land Use Plan) to show the area of the proposed open channel/ park & the proposed Northeast Park as "Parks & Open Space" as shown on Attachment "A" which is attached hereto & made a part hereof by reference.
11. Amend Figure 27 (Functional St. & Road Classification: Future) & Figure 28 (Proposed Changes in Functional Classification) to add the new north/south & east/west roadways as principal arterial; add the Adams/Huntington St. connections as minor arterial; show the connection between 17th/Y & Holdrege Sts. as minor arterial; change 16th & 17th Sts. between Q & Y Sts. from minor arterial to urban collectors; & change N. 14th St. between the Burlington Northern Railroad & Military Road from minor arterial to local streets as shown on Attachment "B" which is attached hereto & made a part hereof by reference.
12. Amend Figure 31 (Improvements for Future Road network 1-25 Year Program) to add the proposed north/south & east/west roadway as a 4 lane roadway with 6 lane elevated intersections as shown on Attachment "C" which is attached hereto & made a part hereof by reference.
13. Amend Figure 38 (Lincoln Area Current & future Trails Network) to reflect new trails associated with the Antelope Valley project as shown on Attachment "D" which is attached hereto & made a part hereof by reference.
14. Amend Figure 55 (Proposed Regional Park & Community Parks & Neighborhood Parks) to reflect the addition/expansion of two proposed community parks as part of the Antelope Valley Project as shown on Attachment "E" attached hereto & made a part hereof by reference.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, & they hereby are amended to conform to such specific amendments.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

AUTHORIZING THE MAYOR TO EXECUTE AN EXHIBIT TO THE INTERLOCAL AGRMT., WHICH CREATED THE JOINT ANTELOPE VALLEY AUTHORITY, TO INCORPORATE EXHIBIT "B" INITIATING THE IMPLEMENTATION PERIOD OF THE AGREEMENT UPON RECEIPT OF THE RECORD OF DECISION APPROVING THE ANTELOPE VALLEY ENVIRONMENTAL IMPACT STATEMENT - PRIOR to reading:

COOK Moved to amend Bill 00R-295 in the following manner:

1. Insert on page 2 before line 5 the following:

WHEREAS, the City of Lincoln will retain authority under its own governing laws & budget processes that require the City to fulfill all of its governmental duties on a periodic basis based

upon legal & fiscal constraints to set fiscal & other priorities responding to changing situations, shifts in public interest, & emergencies;

WHEREAS, the City of Lincoln's capital improvement budget process will identify the City's portion of the Phase One Antelope Valley improvements based upon more detailed programming, design & engineering; &

WHEREAS, Based on more extensive analyses the Antelope Valley Phase One improvements, may incorporate existing approaches or develop new approaches; &

WHEREAS, the City Council, impacted property owners & the public at large will be kept advised in a timely manner on the detailed programming, design & engineering elements of the Antelope Valley Phase One improvements as part of the City's capital improvement budget process; &

2. On page 2 line 24 strike the words "Allan Abbott"

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

DEPUTY CLERK Read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80526 WHEREAS, the Board of Regents of the University of Nebraska, a public body corporate & governing body of the University of Nebraska-Lincoln (University), the City of Lincoln, Nebraska, a municipal corporation (City), & the Lower Platte South Natural Resources District, a political subdivision of the State of Nebraska (NRD), all of which are public agencies within the meaning of Neb. Rev. Stat. § 13-803 (Reissue 1997) agree that it is in their mutual best interest to coordinate planning & implementation of a public project which is described in the Antelope Valley Study & the United States Army Corps of Engineer Antelope Creek Feasibility Study (Project), in cooperation with one another through an Interlocal Agreement creating a joint administrative entity known as the Joint Antelope Valley Authority, to act on behalf of the parties for the purposes, & upon the terms & conditions set forth in the Interlocal Agreement;

WHEREAS, Article 15, Section 18 of the Nebraska Constitution & the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq. (Reissue 1997) permit subdivisions & governments in the State of Nebraska to cooperate with one another for the purpose of jointly exercising governmental authority & responsibilities;

WHEREAS, Article 2, Section 5 of the City's Charter grants to the City the power to join with other subdivisions, agencies, or public corporations, whether federal, state, or local, or with any number or combination thereof, by contract or otherwise, as may be permitted by the laws of the State of Nebraska, in the joint ownership, operation, or performance of any property, facility, power, or function, or in agreements containing provisions that one or more thereof operate or perform for the other or others & to appropriate & spend money for such purposes; &

WHEREAS, the University, City, & NRD are all public agencies within the meaning of Neb. Rev. Stat. § 13-803 (1997) & have previously entered into the Joint Antelope Valley Authority Interlocal Cooperation Agreement (Agreement) effective April 15, 2000 (Resolution No. A-80069); &

WHEREAS, the City of Lincoln will retain authority under its own governing laws & budget processes that require the City to fulfill all of its governmental duties on a periodic basis based upon legal & fiscal constraints to set fiscal & other priorities responding to changing situations, shifts in public interest, & emergencies;

WHEREAS, the City of Lincoln's capital improvement budget process will identify the City's portion of the Phase One Antelope Valley improvements based upon more detailed programming, design & engineering; &

WHEREAS, Based on more extensive analyses the Antelope Valley Phase One improvements, may incorporate existing approaches or develop new approaches; &

WHEREAS, the City Council, impacted property owners & the public at large will be kept advised in a timely manner on the detailed programming, design & engineering elements of the Antelope Valley Phase One improvements as part of the City's capital improvement budget process; &

WHEREAS, the City Council has approved Comprehensive Plan Amendment 94-60 amending the Future Land Use, Long Range Transportation, Stormwater, Community Facilities & other appropriate portions of the Comprehensive Plan & Long Range Transportation Plan contained therein, to reflect the elements of the Antelope Valley Project; &

WHEREAS, pursuant to the Agreement, the City of Lincoln desires to initiate the implementation period of the Agreement as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. The City of Lincoln, Nebraska, shall initiate the implementation period of the Agreement as provided herein.

2. Upon receipt of the Record of Decision from the United States Dept. of Transportation Federal Highway Administration approving the Antelope Valley Environmental Impact Statement, the Mayor is hereby authorized to execute Exhibit "B" attached hereto, initiating the implementation period of the Agreement on behalf of the City of Lincoln.

3. The Mayor is hereby authorized to take all action necessary on behalf of the City of Lincoln as provided in the Agreement so that the implementation period of the Agreement may enter into force consistent with the provisions of this Resolution & Neb. Rev. Stat. § 13-804(2) (1997).

4. The City's Public Works Director ~~Allan Abbott~~ is appointed as representative & the City Engineer is appointed as alternate representative to act on behalf of the City of Lincoln at any meeting of the administrative board of JAVA created by the Agreement.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

ORDINANCES - 1ST & 2ND READING

APPROVING AN EXTENSION OF THE CABLE TELEVISION FRANCHISE BETWEEN THE CITY & AOL/TIME WARNER FOR AN ADDITIONAL 60 DAYS BEYOND THE EXTENDED FRANCHISE EXPIRATION DATE OF NOV. 15, 2000 - PRIOR to reading:

CAMP Moved to suspend Council Rules for Bill 00-204 to have 2nd & 3rd Reading on 11/13/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

DEPUTY CLERK Read an ordinance, introduced by Jeff Fortenberry, approving an extension of the cable television franchise between the City & AOL/Time Warner for an additional 60 days beyond the extended franchise expiration date of Nov. 15, 2000, the first time.

AMENDING ORD. 17595, PASSED JAN. 24, 2000, TO INCLUDE ADDITIONAL PROPERTIES FROM WHICH RIGHT-OF-WAY IS TO BE ACQUIRED FOR THE IMPROVEMENT OF E. O ST. FROM 52ND ST. TO WEDGEWOOD DR. - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2 of Ord. 17595, passed Jan. 24, 2000, by including additional properties from which right-of-way is to be acquired for the improvement of E. O St. from 52nd St. to Wedgewood Dr., & repealing Sec. 2 of Ord. 17595 as hitherto existing, the second time.

CHANGE OF ZONE 3286 - APP. OF ELLIOTT AND LYNNE RUSTAD FOR A CHANGE FROM R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 27TH ST. & FOLKWAYS BLVD. - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.

VACATING N. 40TH ST. FROM THE JOHN DIETRICH TRAIL NORTH TO THE TERMINUS OF N. 40TH ST., GENERALLY LOCATED AT THE NORTH END OF 40TH ST., NORTH OF ADAMS ST. - PRIOR to reading:

CAMP Moved to place Bill 00-199 on Pending.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

DEPUTY CLERK Read an ordinance vacating N. 40th St. from the John Dietrich Trail, north to the terminus of N. 40th St., generally located at the north end of 40th St., north of Adams St., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

VACATING W. N ST. FROM THE WEST LINE OF S. CODDINGTON TO A POINT APPROX. 300' WEST THEREOF - PRIOR to reading:

SENG Moved to place Bill 00-200 on Pending.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

DEPUTY CLERK Read an ordinance, introduced by Jonathan Cook, vacating W. "N" St. from the west line of S. Coddington, west approx. 300', & retaining title

thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "M" BY CREATING THE CLASSIFICATION OF "PUBLIC WORKS SPECIAL PROJECT ADMINISTRATOR" - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Section 5 of Ord. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by creating the job classification of "Public Works Special Project Administrator", the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" BY CREATING THE CLASSIFICATION OF "EMS BUSINESS MANAGER" - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ord. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by creating the job classification of "EMS Business Manager", the second time.

AMENDING CHAPTER 10.42 OF THE LMC RELATING TO ABANDONED VEHICLES BY AMENDING SEC. 10.42.110 TO ADD AN EXCEPTION FOR THE KEEPING OF WRECKED OR JUNKED VEHICLES LOCATED ON A FARMSTEAD AND BY AMENDING SEC. 10.42.115 TO CLARIFY THAT A HOBBYIST PERMIT ONLY COVERS THE STORAGE OF VEHICLES AND DOES NOT AUTHORIZE THE STORAGE OF MISCELLANEOUS VEHICLE PARTS OR JUNK CONTAINED IN, ON, OR NEAR THE VEHICLE AND TO LIMIT THE HOBBYIST PERMITS TO ONE RENEWAL - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 10.42 of the LMC relating to Abandoned Vehicles by amending Sec. 10.42.110 to add an exception for vehicles located on the premises of a farmstead; amending Sec. 10.42.115 relating to hobbyist permits to provide that such permits shall be renewed or extended for one 180-day period only & to provide that the permit shall cover the vehicle only & not miscellaneous junk contained in, on, or near the vehicle; & repealing Sec. 10.42.115 of the LMC as hitherto existing, the second time.

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.
 Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on Nov. 13, 2000.
 Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

ADJOURNMENT

4:30 P.M.

CAMP Moved to adjourn the City Council Meeting of Nov. 6, 2000.
 Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

So ordered.

Joan E. Ross, Deputy City Clerk

Teresa J. Meier-Brock, Office Assistant III

